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SAN FRANCISCO  
BOARD OF SUPERVISORS

ECONOMIC DEVELOPMENT, TRANSPORTATION &  
TECHNOLOGY COMMITTEE

Note that the Minutes for this Committee are sometimes captioned "Calendar", sometimes "Agenda", and sometimes "Meeting Minutes – Draft".

The Budget Analyst often prepared reports for these meetings. These reports, if any, precede the Minutes of the respective meetings.



BOARD of SUPERVISORS



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ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE

S.F. BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN, That the regularly scheduled Economic Development, Transportation and Technology Committee Meeting of Tuesday, January 6, 1998, at 10:00 a.m. has been cancelled.

*John L. Taylor*  
John L. Taylor  
Clerk of the Board



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1/20/98

CITY AND COUNTY



OF SAN FRANCISCO

DOCUMENTS

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

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January 16, 1998

TO: Economic Development, Transportation and Technology  
Committee

FROM: Budget Analyst Recommendations for meeting of.

SUBJECT: January 20, 1998 Economic Development, Transportation and  
Technology Committee Meeting

Item 2 - File 148-97-6

Department: Department of Public Works (DPW)

Item: Resolution authorizing DPW to expend retroactively up to \$2,065,993 from the State of California for roadway work on City streets in accordance with the State-Local transportation partnership program (8<sup>th</sup> cycle), waiving indirect costs, and placing \$1,561,936 on reserve pending contract details.

Grant Amount: \$2,065,993

Grant Period: Retroactive to July 1, 1996 through June 30, 1998 (Two years)

Source of Funds: State-Local Transportation Partnership Program, administered by the California Department of Transportation (CalTrans)

Description: The Board of Supervisors previously authorized the DPW to apply for and accept funds granted under the State-

Local Transportation Partnership Program (Program) on a continuing basis over the ten-year life of the Program, without seeking separate approval from the Board of Supervisors during each funding cycle to apply for and accept the funds. However, the expenditure of the funds still requires approval by the Board of Supervisors. The State-Local Transportation Partnership Program was created to fund transportation improvements throughout the State. The proposed grant funds would provide monies for the eighth year of the Program.

Approval of the proposed resolution would retroactively authorize the DPW to expend \$2,065,993 in State grant funding for contractual services associated with a total of nine concrete street reconstruction and street resurfacing projects covering 157 City blocks, described in detail in Attachment I, provided by DPW. The total cost of these projects is \$8,418,879, of which State money will fund 24.54 percent, or \$2,065,993. The required local match of 75.46 percent, or \$6,352,886, would be provided by funds which were previously appropriated to DPW for road work. For six of the projects, which total \$1,561,936, the contractor selection process has not been completed. Accordingly, the proposed legislation would place \$1,561,936 on reserve pending contractor identification.

- Budget:** Attachment I, provided by DPW, describes the locations and costs (both State funds and local funds) of each of the nine projects. Including the State grant funds of \$2,065,993 and the local match funds of \$6,352,886, the total cost for the nine projects is \$8,418,879.
- Required Match:** \$6,352,886 – The funding source for this required local match is previously appropriated Proposition B Sales Tax revenues.
- Indirect Costs:** The State-Local Transportation Partnership Program does not permit the inclusion of indirect costs in grant awards.
- Comments:** 1. Attachment II, provided by DPW, is a list of the projects with contracts that have been awarded.

2. Attachment III is DPW's Summary of Grant Request Form.

3. DPW has prepared Disability Access Checklists, which are on file with the Clerk of the Board's Office.

**Recommendations:** Approve the proposed resolution.

4[illegible]



STATE-LOCAL TRANSPORTATION PARTNERSHIP PROGRAM  
EIGHTH CYCLE

STATE MATCH: 24.54%

State Project No.	Job Order No.	Project Limits	Eligible Cost	State Funds	Local Match	Bidders & Bid Amount (*)
SB98 5001(004)	1440N	VAR. LOC. CONCRETE RECONSTRUCTION #13 Arch Street Edgar Place Joshia Avenue Rhine Street Sargent Street Shields Street	\$1,276,618	\$313,281	\$963,337	No bids received.
SB98 5001(005)	1373N	LOWER GREAT HWY. 46TH AND 48TH AVENUES Lower Great Hwy 46th Avenue 48th Avenue	\$1,425,000	\$349,695	\$1,075,305	No bids received.
SB98 5001(006)	1322N	9TH, 10TH AVENUES AND CARRILLO STREET 9th Avenue 16th Avenue Carrillo Street	\$1,045,000	\$256,443	\$788,557	No bids received.
SB98 5001(007)	1451N	POTRERO AREA TRACE REMOVAL (PHASE III) Wilma's Street Elidoro to 24th Street	\$1,045,444	\$256,592	\$788,892	No bids received.
SB98 5001(008)	1453N	KEARNY, MONTGOMERY, & SACRAMENTO ST. Kearny Street Montgomery Street Sacramento Street	\$770,359	\$189,046	\$581,313	No bids received.
5001(009)	1389N	MISSION STREET Mission Street Cent. Chavez (Army) St. to Alvarado Blvd.	\$802,439	\$196,919	\$605,520	No bids received.

TOTAL

\$8,418,879 \$2,065,993 \$6,352,886

\* Bidder selected for contract is in bold print.

**MBE PARTICIPATION OF SELECTED BIDDERS****Lyon Street and Presidio Avenue \$530,796**Prime Contractor:

Esquivel Grading &amp; Paving, Inc. (MBE) 80%

Subcontractors:

Cobra Trucking (MBE) 12%

A. Ruiz Construction (MBE) 8%

Total MBE Participation: 100%

**Various Locations Concrete Street Reconstruction No. 12 \$728,858**Prime Contractor:

Oliver Transbay/Ghilotti Construction, JV

Oliver Transbay Construction, Inc. (MBE) 41%

Ghilotti Brothers Construction, Inc. 40%

Subcontractors:

P &amp; K Trucking (MBE) 8.6%

Vickers (MBE) 2.2%

Trans American Engineers (MBE) 9.1%

Total MBE Participation: 60.9%

**Var. Loc. Hunters Point Dist. Pavement Renovation \$856,505**Prime Contractor:

Interstate/M H, JV

Interstate Grading &amp; Paving, Inc. 12.8%

M H Construction (MBE) 13.3%

Subcontractors:

P &amp; K Trucking (MBE) 13.2%

ABSL 7.7%

Vickers (MBE) 3.5%

N.Z.I 13.9%

D &amp; S Assoc. (MBE) 3.5%

Total MBE Participation: 33.5%

Item No. \_\_\_\_\_

**Summary of Grant Request**

Grantor State of California, Caltrans  
 Contact Person Michael Lim  
 Address 111 Grand Avenue  
Oakland, CA 94623-0660  
 Amount Requested \$2,065,993  
 Term From 7/1/96 To 6/30/98  
 Health Commission \_\_\_\_\_

Division Bureau of Engineering  
 Section Project Management  
 Contact Person Joe Oyadia  
 Telephone (415) 558-4004  
 Application Deadline N/A  
 Notification Expected \_\_\_\_\_  
 Board of Supervisors: Finance Committee  
Full Board

**I. Item Description:** Request to expend a continuation

grant in the amount of \$ 2,065,993 from the period of 7/1/96 to 6/30/98  
 to provide rehabilitation of roadway projects.

**II. Summary:**

This grant will partly fund construction for resurfacing and reconstruction of 157 blocks under the  
State-Local Transportation Partnership Program Cycle No. 8.

**III. Outcomes/Objectives:**

Extends useful life of roadway by 10 years.

**IV. Effects of Reduction or Termination of These Funds:**

The City will do less paving projects.

**V. Financial Information:**

	Col. A Two Years Ago	Col. B Past Year/Org.	Col. C Proposed	Col. D Change	Req. Match	Approved by
Grant Amount	492,312	1,038,069	2,065,993			
Personnel						
Equipment						
*Contract Svc.	492,312	1,038,069	2,065,993			
Mat. & Supp.						
Facilities/Space						
Other						
Indirect Costs						

**VI. Data Processing****VII. Personnel**

F/T CSC

P/T CSC

Contractual

Source(s) of non-grant funding for salaries of CSC employees working part-time on this grant:

Sales Tax

Will grant funded employees be retained after this grant terminates? If so, How?

N/A (Grant money is used for contractual services)

\*VIII. **Contractual Services:** Open Bid X Sole Source \_\_\_\_\_

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Item 4 - File 244-97-7

**Department:** Mayor's Office  
Treasure Island Development Authority (TIDA)

**Item:** Resolution designating the Treasure Island Development Authority as the redevelopment agency and local reuse authority for the conversion of Naval Station Treasure Island.

**Description:** The Board of Supervisors previously approved Resolution No. 244-97-3 on May 2, 1997, authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit corporation known as the Treasure Island Development Authority (the "Authority") to act as a single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of Treasure Island Naval Station (the Naval Station, and also called the "Base"), for the public interest, convenience, welfare, and common interest of the citizens of San Francisco.

AB No. 699, which was approved by the Governor on October 12, 1997, amended the State Health and Safety Code to authorize the Board of Supervisors, by resolution, to designate the Treasure Island Development Authority as the redevelopment agency for the Base.

The proposed legislation would authorize the Treasure Island Development Authority to act as the redevelopment agency, with all of the rights, privileges, immunities, authorities, and duties granted to redevelopment agencies under State law, for the purpose of acquiring, using, operating, maintaining, converting and redeveloping the Base. The proposed legislation would also authorize the Treasure Island Development Authority to act as the local reuse authority designated by the Federal Government's Office of Economic Adjustment for purposes of the conversion of the Base and to take any actions related to such designation, and to act as the trustee under the Tidelands Trust, insofar as it applies to the Base.

**Comments:** 1. Mr. Larry Florin, Director of the Mayor's Treasure Island Project Office, reports that as of October 1, 1997,

the City assumed responsibility for the operation of the Base. Mr. Florin advises that the Treasure Island Project Office is currently in negotiations with the Navy concerning final conveyance of the Base to the City and that he expects such conveyance to occur in the latter part of 1998.

2. According to Mr. Michael Cohen of the City Attorney's Office, the legislation previously approved by the Board of Supervisors authorizing the incorporation of the Authority was only a first necessary step to (1) facilitate the designation by the State of the Treasure Island Development Authority to administer the Tidelands Trust, and (2) facilitate the designation of the Authority to exercise redevelopment powers.

3. Mr. Cohen advises that passage of AB 699 by the State enabled the following actions:

- a. Transferred authority for administering the Tidelands Trust from the State to the Treasure Island Development Authority insofar as it applies to Treasure Island.<sup>1</sup>
- b. Granted to the Treasure Island Development Authority all of the rights, privileges, immunities, authorities, and duties of a redevelopment agency under State redevelopment law. However, the foregoing grant of redevelopment power is conditioned upon (1) passage of this proposed resolution by the Board of Supervisors approving designation of the Treasure Island Development Authority as a redevelopment agency, and (2) is limited to the geographic boundaries of the Base.

4. Mr. Cohen advises that any redevelopment project area designated by the Treasure Island Development Authority would be subject to the same Board of Supervisors oversight as any other redevelopment project area administered by the San Francisco Redevelopment Agency. Such redevelopment project oversight principally

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<sup>1</sup> Tideland Trust property located on the Base would be administered by Port of San Francisco under the Burton Act if AB 699 had not been approved.



consists of (a) approval of any redevelopment plan, and (b) appropriation of funding to implement the redevelopment plan. In addition, Section 5 (f) of AB 699 provides additional oversight by the Board of Supervisors, as follows:

Prior to the Board of Supervisors approval of a redevelopment plan for the property, any contract with the Treasure Island Development Authority which has a value of more than \$1 million or has a term of 10 years or more shall require the approval of the Board of Supervisors of the City and County of San Francisco.

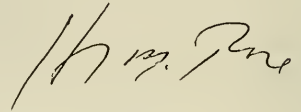
5. According to Mr. Cohen, under State redevelopment law, the Treasure Island Development Authority's operating budget would be subject to approval by the Board of Supervisors in the same manner that the Board of Supervisors currently approves the budget of the San Francisco Redevelopment Agency.

6. Section 12 of AB 699 provides that if the Treasure Island Development Authority is dissolved, by operation of law or otherwise, the Trust Property, including all improvements thereto, and the operation of and jurisdiction over the Trust Property, shall revert and be conveyed to the City and County, acting by and through its Port Commission. The remainder of the property (i.e., Yerba Buena Island) shall be conveyed to the City and County.

7. The Board of Supervisors previously approved a draft Reuse Plan for the Naval Station (Resolution No. 672-96). The Environmental Impact Report (EIR) on the draft Reuse Plan is expected to be completed by approximately April, 1998, according to Mr. Cohen. Mr. Florin states that, under the draft Reuse Plan, the Naval Station would be developed to include a mix of recreation and visitor-oriented uses including hotels, theme attractions and recreational facilities, as well as movie studios, a job training facility, and possible residential uses.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Economic Development, Transportation and Technology Committee  
January 20, 1998 Economic Development, Transportation and Technology Meeting



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Medina  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



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ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JANUARY 20, 1998 - 10:00 A.M      VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT:      SUPERVISORS YAKI, KATZ, MEDINA  
ABSENT:      SUPERVISOR KATZ - ITEMS 1 - 3  
CLERK:      GAIL JOHNSON

PLEASE NOTE THAT THE ECONOMIC DEVELOPMENT, TRANSPORTATION  
AND TECHNOLOGY COMMITTEE MAY RECESS AT 11:00 A.M. AND  
RECONVENE LATER.

1. File 123-97-9. [Update of Public Works Code] Ordinance amending Article XX, Section 1000 of the San Francisco Public Works Code, which defines certain terms used in the Article, by removing obsolete reference to Fire Code in the definition given for "Hazardous Waste." (Clerk of the Board)

ACTION:    Recommended.

2. File 148-97-6. [Grant - State Funds] Resolution authorizing retroactively the Director of Public Works to expend up to \$2,065,993 from the State of California for roadway work on City streets in accordance with the State-Local Transportation Partnership Program (8th Cycle); waiving indirect costs; placing \$1,561,936 on reserve. (Department of Public Works)

ACTION:    Recommended.

3. File 98-0026. [Revocable Permit - 575 Harrison Street] Resolution granting revocable permission to UMB Corporation to temporarily close and occupy the southerly sidewalk and a portion of the street area on Harrison Street during construction operations at 575 Harrison Street. (Department of Public Works)

ACTION:    Recommended.

4. File 244-97-7. [Treasure Island Development Authority] Resolution designating the Treasure Island Development Authority as the Redevelopment Agency and Local Reuse Authority for the conversion of Naval Station Treasure Island. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Amended. (See File for details.) Recommended as amended. New title: "Designating the Treasure Island Development Authority as the Redevelopment Agency and Local Reuse Authority for the conversion of Naval Station Treasure Island and requiring a report from the Authority regarding competitive bidding, leasing, appointment of a Citizen's Advisory Committee, and integration with the City's planning process."

5. File 197-97-3. [Public Arts Program] Hearing to consider whether or not the City should adopt a master plan to evaluate the appropriateness and establish guidelines for placement of public art. (Supervisors Yaki, Bierman)

ACTION: Hearing held. Filed.

6. File 7-97-4.1. [Hate Violence/Public Safety on Muni] Hearing to consider incidents of hate violence and public safety on the Municipal Railway system. (Supervisors Medina, Katz, Teng)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

7. File 200-97-9. [Hallidie Plaza Master Plan] Hearing to consider the Department of Public Works' proposed plan for renovation of Hallidie Plaza. (Supervisor Bierman)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 172-97-83. [Regional Transit Discount Card Program] Resolution authorizing an indemnity provision in agreement regarding implementation of the Regional Transit Discount Program, among the City and County of San Francisco, the Metropolitan Transportation Commission, and the Bay Area Rapid Transit District; companion measure to File 97-97-75. (Public Transportation Commission), 30 Day Rule expires 1/21/98.

File 97-97-75. [Regional Transit Discount ID Card Fee] Ordinance amending Administrative Code by adding Section 8.30 thereto, imposing fees to process applications for new, renewed and lost Regional Transit Discount Identification Cards; companion measure to 172-97-83. (Public Transportation Commission), 30 Day Rule expires 1/21/98.

File 124-97-6. [Proof of Payment, Passenger Conduct Violations] Ordinance amending Traffic Code by amending Section 3.2 to redefine "Streetcar"; by repealing Section 126 regarding boarding and alighting streetcars or vehicles and reenacting that provision in Section 128; by amending Section 127 to allow boarding of public transit vehicles through rear doors under some circumstances and to require transit passengers to display proof of payment of fares; by repealing and reenacting Section 128 to institute other passenger conduct violations; by amending Section 128.1 to impose penalties for violation of Sections 127 and 128; by adding Section 128-A to authorize fare inspectors; by repealing Section 129 regarding expectorating in transit vehicles and reenacting that provision in Section 128; and stating the intent of the Board that funds from enforcement of Sections 127, 128 and Penal Code Section 640 be used to defray costs of the proof of payment program and that an audit be performed every three years. (Public Transportation Department), 30 Day Rule expires 1/21/98.

Watch future calendars for matters.



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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

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January 30, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of...*  
**SUBJECT:** February 3, 1998 Economic Development, Transportation and Technology Committee Meeting

Items 2 and 3 - Files 98-89 and 98-90

**Department:** Department of Public Works (DPW)  
Department of Real Estate (DRE)

**Items:** Resolution declaring the intention of the Board of Supervisors to vacate and sell a portion of Wawona Street between 18<sup>th</sup> and 19<sup>th</sup> Avenues, setting the hearing date for all persons interested in the proposed vacation and sale, making findings of General Plan conformance, and consistency with Planning Code Section 101.1, and authorizing other official actions in connection therewith. (File 98-89)

Ordinance ordering the vacation and sale of a City-owned right-of-way on Wawona Street between 18<sup>th</sup> and 19<sup>th</sup> Avenues and authorizing other official actions in connection therewith. (File 98-90)

**Description:** The owners of a single family residence located at 2695 18<sup>th</sup> Avenue (the "owners") discovered in the early 1990's that prior to the acquisition of their property in 1978, an extension of the residence was constructed on the Wawona Street City-owned right-of-way, as shown in the Attachment to this report. The owners, through their attorney, requested

that the portion of Wawona Street that contained the encroachment be vacated and sold to them. In response to that request, the Department of Public Works reported that the proposed area of Wawona Street to be vacated is no longer needed for present or prospective street purposes.

**Comments:**

1. A September 30, 1996, letter from the Department of City Planning finds that, "on balance, the proposal [to sell the property to the owners of 2695 Wawona Street] is in conformity with the General Plan" and that the requested vacation of the subject right-of-way for the purpose of its sale is consistent with the Eight Priority Policies of Planning Code Section 101.1.

2. As stated in the letter from the Department of City Planning, the subject property to be vacated is an area of 400.48 square feet on the northern side of the Wawona Street right-of-way, adjacent to the residence at 2695 Wawona Street. The letter further states that Wawona Street, between 18<sup>th</sup> and 19<sup>th</sup> Avenues, is unimproved, as it is on a steep slope.

3. The proposed resolution (File 98-89) states that there is no potential user of the subject right-of-way other than the owners, and that the owners have agreed to pay the City the full purchase price of \$16,200 for the subject right-of-way. Mr. Tony DeLucchi, Director of Property, states that the proposed sale price of \$16,200 represents the fair market value of the right-of-way.

4. The proposed resolution (File 98-89) provides for a full Board of Supervisors public hearing regarding this proposed vacation. The proposed resolution should be amended to specify the date and time of the public hearing before the full Board of Supervisors.

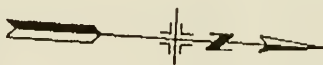
**Recommendations:** 1. Amend the proposed resolution (File 98-89) by setting a public hearing date and time before the full Board of Supervisors for all persons interested in the proposed vacation and sale of the subject property.

2. Report out the proposed ordinance (File 98-90) to the full Board of Supervisors without recommendation.

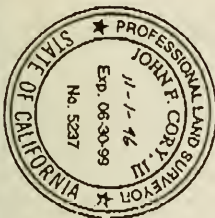
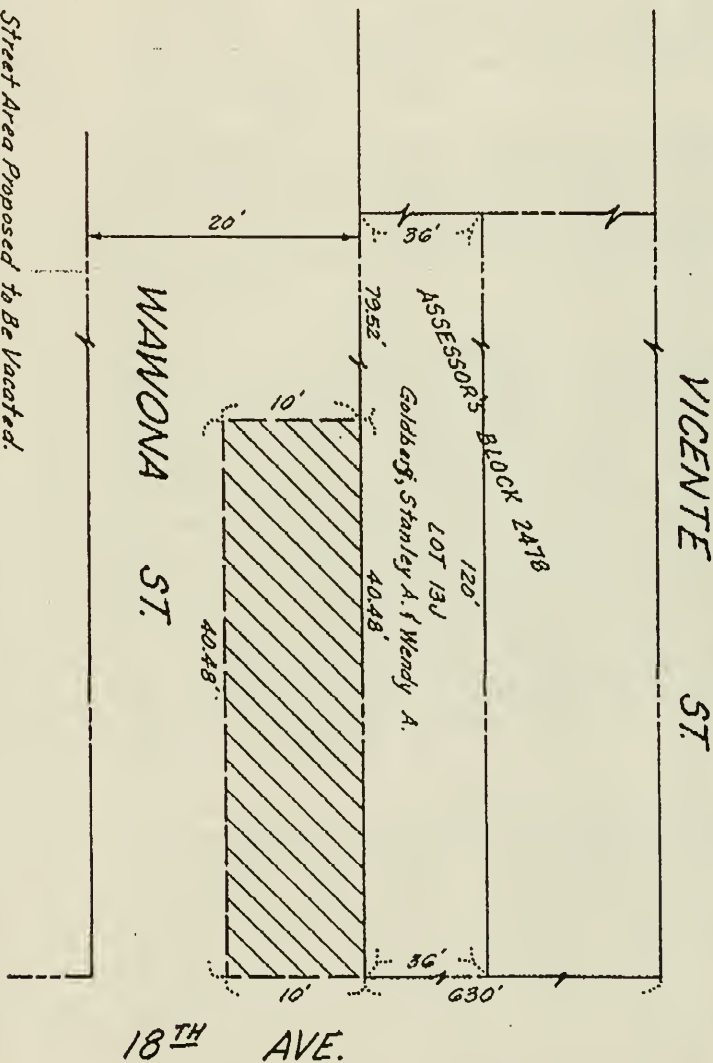
**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Attachment



**LEGEND**  
 [Hatched Box] Street Area Proposed to Be Vacated.



BY	DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS			
D.R.	T.T.C.	52196	<b>PROPOSED STREET VACATION OF A PORTION OF            WAWONA ST WEST OF 18<sup>TH</sup> AVE.</b>		
T.R.	T.T.C.	52196			
C.K.					
A.P.P.					
A.P.P.					
APPROVED		John Coxy, II	75	SCALE 1"=10'	FILE
BY:		Chief	Subdirector	OF 1 SHEETS	SUR 896
DATE		11-1-96	CITY ENGINEER		CHANGE





Items 7 and 8 - Files 97-97-75 and 172-97-83

**Department:** Public Transportation

**Item:** Item 97-97-75: Ordinance authorizing an amendment to Chapter 8 of the Administrative Code by adding Section 8.39 which would impose fees to process applications for new, renewed, and lost Regional Transit Discount Identification Cards.

Item 172-97-83: Resolution authorizing an indemnity provision in the agreement regarding implementation of the Regional Transit Discount Card Program, among the City and County of San Francisco, the Metropolitan Transportation Commission, and the Bay Area Rapid Transit District.

**Description:** The Federal government mandates that all transit properties in the country provide a reduced fare for elderly and disabled persons. All Bay Area transit properties, including the Municipal Railway (MUNI), participate in the Regional Transit Discount Identification (ID) Card Program, to enable eligible persons with disabilities and seniors to receive the discount. In 1994, the Bay Area Rapid Transit (BART) performed an audit of the Regional Discount ID Card Program, which revealed a significant amount of fraud. Outside consultants confirmed the findings, which estimated fare revenue loss resulting from the fraudulent issuance of discount cards to ineligible persons to be \$3.9 million to \$7.3 million annually to Bay Area transit properties, including MUNI.

A new Regional Discount ID Card Improvement Program has been developed through the stewardship of the Metropolitan Transportation Commission (MTC) to improve the program and reduce fraud. BART, as lead agency for the program, has selected an independent contractor, named Central Processor, to act as a centralized processor responsible for the verification and processing of applications, as well as card issuance. BART will be responsible for contracting with Central Processor and for daily oversight of their activities. MTC will

purchase equipment and install a newly computerized database to support the program.

To assure easy access to the Discount ID Card Program for disabled consumers, transit operators will continue to provide customer service at regional locations, including application acceptance and photographing for ID issuance. In San Francisco, eligible customers may apply for a Discount ID Card at 2630 Geary Blvd., the MUNI administration building.

Transit operators will be responsible for reimbursing BART, as the lead agency, for their share of the Program cost. The transit operators' share of the program costs are based on the percentage of the total number of Discount Card applications that the Centralized Processor receives annually from all participating transit operators.

MUNI does not currently charge a fee for the issuance, renewal, or replacement of lost Regional Transportation Discount ID Cards. The proposed ordinance, File No. 97-97-75, would amend Section 8 of the Administrative Code by adding Section 8.39, to allow MUNI to charge a user fee for the issuance, renewal, and replacement of lost Regional Transportation Discount ID Cards. The proposed amendment reads as follows:

The Public Transportation Department is hereby authorized to charge fees to defray the actual cost of processing and issuing Regional Transit Discount Identification Cards. Any persons requesting such cards shall pay the following fees:

New Cards:	\$3.00
Renewed Cards:	\$3.00 (renewed every three years)
Lost Cards:	\$5.00

All fees received for such cards shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Public

Transportation Department or its contractors in processing and issuing such cards.

According to Ms. Annette Williams of MUNI, the total annual cost of the program is \$370,560. Of this total, \$41,000, or 11.1 percent, will be funded by BART as lead agency in the management of the program. The remaining \$329,560 is the cost of the contract with Central Processor. Attachment I, provided by MUNI, provides a detailed list of all the transit properties in the region, the number of cards issued by each, the percent of total Program costs to be borne by each, and the total Program costs to be borne by each.

For each of the first two complete fiscal years of the program, MUNI's share of the total program cost of \$370,560 will be 32.3 percent, or \$119,691. Of MUNI's cost, \$31,185 is expected to be paid through the \$3.00 user card fee based on the issuance of 10,395 Cards. The balance of \$88,506 will be funded through the Municipal Railway budget. Program costs for each transit operator will be re-evaluated during FY 1999-2000, and the appropriate share to each agency will be adjusted accordingly. The distribution formula will be updated annually thereafter using the prior fiscal year data as collected and transmitted by the Central Processor.

On December 9, 1997, the Public Transportation Commission authorized its Director of Public Transportation to execute an "Agreement Regarding Implementation of the Regional Transit Discount Card Program" (Agreement), among the City and County of San Francisco, the Metropolitan Transportation Commission (MTC), and BART. The Agreement contains mutual indemnification provisions, whereby each party, including San Francisco, agrees to indemnify and hold the other parties harmless for the party's actions or omissions in conjunction with its duties under the Agreement. The proposed resolution (File 172-97-83) authorizes the indemnity provisions contained in the Agreement.

**Comments:**

1. According to Ms. Williams, the regional transit properties are expected to begin issuing the new Regional

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Transit Discount Cards (Cards) in April of 1998. Ms. Williams reports that approximately 10,500 Cards were issued by MUNI in FY 1996-97, and nearly 32,500 cards were issued by all the regional transit properties in FY 1996-97. MUNI expects to issue approximately the same number of new Cards.

2. Ms. Williams adds that approximately 14 percent of Regional Transit Discount ID Cards, or 1,500 Cards, issued by MUNI were lost by customers who applied for replacement Cards. MUNI expects the same percentage of the new Cards will be lost and replaced annually.

3. Currently, MUNI is the only Bay Area Transit operator that does not charge a processing fee for Discount Cards. According to Ms. Williams, implementation of this Program is estimated to result in anticipated savings to MUNI of \$484,642 to \$842,100 annually due to the prevention of fare revenue loss that has resulted from fraudulent claims of eligibility. According to Ms. Williams, the annual cost of the program, \$119,691 is included in MUNI's FY 1998-99 budget request.

4. In order to reduce fraud and the issuance of Regional Transit Discount Cards to ineligible customers, the Central Processor will verify information on each application, including confirmation that doctors providing proof of disability are licensed to practice medicine in the State of California. According to Ms. Williams, California law states that holders of Disabled license plates issued by the State Department of Motor Vehicles are automatically entitled to a Regional Transit Discount Card. Federal law states that persons receiving Medicare are automatically entitled to a Regional Transit Discount Card. The Central Processor will confirm the issuance of Disabled license plates and Medicare participation when such are claimed on the Regional Transit Discount ID Card application.

5. Ms. Williams reports that Central Processor, located in San Francisco, has a five year contract with BART for

\$329,560 annually to perform the verification and issuance of Cards.

6. The proposed resolution (File 172-97-83) must be approved by the Board of Supervisors because of the mutual indemnification clause contained in the Agreement between the Public Transportation Commission, MTC, and BART. The mutual indemnification provisions state that the City, MTC and BART agree to defend, indemnify and hold each other harmless from and against liability, loss, expenses, attorney's fees or claims for injury or damages caused by reason of anything done or omitted to be done by the acts of each other. According to Ms. Robin Reitzes of the City Attorney's Office, the mutual indemnification provisions are reasonable for the subject Agreement.

**Recommendations:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Attachment

Transit Operator	% of Total Annual Applications/ (Applications Accepted Annually)	Percent of Total Program Costs/Transit Operator	Program Costs/ Transit Operator FY 97-98 FY 98-99 FY99-00
AC Transit	26.9%	26.9%	\$99,681
	(8,750)		
Bay Area Rapid Transit (BART)	7.0%	7.0%	\$25,939
	(2,270)		
Central Contra Costa Transportation Agency	2.6%	2.6%	\$9,635
	(840)		
Eastern Contra Costa Transit Agency	0.8%	0.8%	\$2,965
	(264)		
Golden Gate Bridge, Highway and Transit District	3.0%	3.0%	\$11,117
	(960)		
Livermore Amador Valley Transportation Authority (LAVTA)	0.4%	0.4%	\$1,482
	(120)		
San Mateo County Transit District (SamTrans)	4.9%	4.9%	\$18,157
	(1,584)		
San Francisco Municipal Railway (Muni)	32.3%	32.3%	\$119,691
	(10,500)		
Santa Clara Valley Transportation Authority	18.8%	18.8%	\$69,665
	(6,100)		
Santa Rosa CityBus	1.5%	1.5%	\$5,558
	(480)		
Sonoma County Transit	0.9%	0.9%	\$3,335
	300		
Vallejo Transit	0.9%	0.9%	\$3,335
	300		
Total program costs: \$ 370,560			

Item 9 - File 124-97-6

**Department:** Public Transportation Department  
Municipal Railway (MUNI)

**Item:** Ordinance amending Article 2 of Part II, Chapter XI, of the Municipal Code (Traffic Code), by amending Section 3.2 to redefine "Streetcar;" by repealing Section 126 regarding boarding and alighting streetcars or vehicles and reenacting that provision in Section 128; by amending Section 127 to allow boarding of public transit vehicles through rear doors under some circumstances and to require transit passengers to display proof of payment of fares; by repealing and reenacting Section 128 to institute other passenger conduct violations; by amending Section 128.1 to impose penalties for violation of Sections 127 and 128; by adding Section 128.1-A to authorize fare inspectors; by repealing Section 129 regarding expectorating (spitting) in transit vehicles and reenacting that provision in Section 128; and stating the intent of the Board of Supervisors that penalties received from the enforcement of Sections 127, 128, and Penal Code Section 640 be used to defray costs of the Proof of Payment Program and that an audit be performed every three years on the Proof of Payment Program to confirm that funds collected from fine revenue have been used to pay for the Proof of Payment Program.

**Description:** The proposed amendments to the Traffic Code, Sections 126, 127, 128, and 129, were recommended by the Public Transportation Commission on December 9, 1997. The proposed amendments are intended to assist MUNI in the development of a Proof of Payment fare collection system, intended for the entire MUNI Metro Light Rail Vehicle (LRV) system but which will be implemented in phases beginning with the E Line (Embarcadero, also called MMX, MUNI Metro Extension), as recommended in the Proposition J Management Audit of MUNI performed by the Budget Analyst's Office in 1996, and subsequently adopted by the Public Transportation Commission in their Proposition J Action Plan.

According to Ms. Roberta Boomer of the Public Transportation Commission, Proof of Payment is a fare

collection system in wide use on North American transit systems, in which the passenger is responsible for having a valid pass or fare receipt<sup>1</sup> while on board a vehicle or on station platforms. Passengers with a valid pass or fare receipt may board vehicles through any door, and roving Fare Inspectors systematically check passengers, citing those without a valid pass or fare receipt. Therefore, by implementing a Proof of Payment system, drivers do not have to be placed on each LRV in a multi-car train. At surface streetcar stops, passengers needing to pay cash fares must still board through the front door to deposit cash in the fare box, and must collect a transfer/fare receipt from the driver as proof of payment.

Ms. Boomer reports that the proposed amendments would add language to the Traffic Code to define "Proof of Payment" fare collection, establish procedures for passengers, allow authorized Police Department employees or civilian MUNI employees to act as Fare Inspectors (see Comment No. 3), define violations, and set fine levels. According to Ms. Boomer, the amendments would also move some existing violations between Sections of the Traffic Code to group similar violations, and would add certain passenger conduct violations, now covered by the State Penal Code Section 640, to the Traffic Code. Citing violators using a local ordinance, such as the proposed amendments to the Traffic Code, instead of the State Penal Code, will allow San Francisco to retain approximately 52% more of the fine revenues. Attachment II, provided by MUNI, details the projected number of citations under the subject proposed changes, and the fine revenue that would accrue to the City under existing laws in contrast to the fine revenues that would accrue to the City under the subject proposed changes to the Traffic Code.

**Comments:**

1. The estimated fiscal impact of the Proof of Payment Program is contained in Attachment I, as provided by MUNI. The fiscal impact varies with the phases of implementation. In summary, with full implementation of the Proof of

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<sup>1</sup> MUNI defines "pass" as a passenger ticket issued for a specific period of time, e.g. a Fast Pass is valid for a one-month period. A valid pass includes an Adult Fast Pass, Youth Pass, Discount Pass, AC BART Plus Pass, Peninsula Pass, or other regional transit passes. A "fare receipt," also called a transfer, will serve as proof of payment for up to 2 hours.



Payment Program, MUNI estimates that monthly savings of \$351,950 will be achieved. This savings of \$351,950 is calculated from the savings gained by having only one operator per multi-LRV train, plus the fine receipts collected by MUNI, less the salary and overhead costs of Fare Inspectors.

According to Mr. Duncan Watry of MUNI, the cost of the Program in the first phase of implementation is planned to be fully funded by San Francisco County Transit Authority Proposition B funds, although that has not yet been approved. In the second phase, for the current FY 1997-98, funding is not yet identified. However, the Proof of Payment Program is on MUNI's list to the Mayor of programs suggested to be funded by the City's surplus. For the second phase in FY 1998-99, Mr. Watry reports that while the funding source is not yet identified, it is likely MUNI will seek a supplemental appropriation. For the third phase, which will be implemented in FY 1998-99, funding for the LRV lines is included in MUNI's operating budget request for FY 1998-99. Regarding funding for the third phase implementation of the Program on bus lines 30 and 45, MUNI plans to request a supplemental appropriation.

2. According to Mr. Watry, the Proof of Payment Program is currently in effect on the E line, as well as the loading platforms on 19<sup>th</sup> Avenue near San Francisco State University. MUNI plans to expand implementation in phases, beginning with bus lines 30 and 45 in April of 1998, and adding additional LRV lines by July of 1998. MUNI expects to implement the Proof of Payment Program to the entire MUNI Metro Rail lines (which includes all LRV lines) and possibly to a number of MUNI bus lines, although Mr. Watry reports that the date or scope of full implementation is unknown at this time.

3. Currently, MUNI is issuing a work order to the Police Department for four (4) uniformed Police Officers per day to serve as Fare Inspectors, which is the entire work force of Fare Inspectors. According to Mr. Peter Straus of MUNI, Police Officers will continue to constitute 100 percent of the Fare Inspector force for at least the remainder of 1998. Mr. Straus reports that it is MUNI's ultimate intention to have the Fare Inspector force be made up of 25% Police Officers

and 75% civilian MUNI employees, since the use of civilian employees will substantially reduce the cost of the Program.

According to Ms. Robin Reitzes of the City Attorney's Office, State law provides that public employees, when authorized by ordinance, may issue citations for violations of local ordinance. As such, the subject ordinance authorizes the use of civilian MUNI employees to serve as Fare Inspectors. Details regarding the number of Fare Inspectors needed for the various implementation phases of the Proof of Payment Program could not be provided by MUNI as of the writing of this report. Mr. Straus reports that MUNI will continue to define the personnel needs of the Program as information is gathered and evaluated from the early phases of implementation.

**Recommendation:** Approve the proposed ordinance.

Table 1 - Summary of Costs and Inspection Force

Corridor/Route	Incremental Inspectors	Cumulative Inspectors	Incremental Monthly Cost		Cumulative Monthly Cost		Incremental Operator Savings		Cumulative Operator Savings		Incremental Fine Receipts		Cumulative Fine Receipts		Cumulative Monthly Net Surplus/(Cost)
			Cost	Cost	Cost	Cost	Savings	Savings	Savings	Savings	Receipts	Receipts	Receipts	Receipts	
Phase 1 -- MMX/19th Ave	4	4	\$36,000		\$36,000		\$28,000		\$28,000		negligible		\$0		(\$8,000)
Phase 2 -- 30/45 bus	8	12	\$76,000		\$112,000		\$0		\$28,000		\$62,790		\$62,790		(\$21,210)
Phase 3 -- JM Lines, 30/45	12	24	\$118,000		\$230,000		\$65,000		\$93,000		\$94,185		\$156,975		\$19,975
Full Mount Metro, 30/45	20	44	\$90,000		\$320,000		\$265,000		\$358,000		\$156,975		\$313,950		\$351,950

Note: SFPD costs for Phase 1, 2 and 3 (up to 24 fare inspectors) are assumed to be \$42 per hour, 9 hours per inspector weekdays, with six weekend inspectors daily, at same rate and hours.  
In Phase 3 and Full Metro, analysts assumes staffing of 25% SFPD at \$42 per hour, 75% civilian fare inspectors at \$20 per hour plus 25% fringes and 8% for vacations/sick, for a total hourly cost of \$27. Weekends are assumed to be staffed at about 50% of weekdays.  
Fine Rate= \$50 Payment Rai 65%



Item 10 - File 68-97-8

**Note:** This item was continued by the Economic Development, Transportation and Technology Committee at its meeting of December 16, 1997.

**Department:** Mayor's Office of Economic Development (MOED)

**Item:** Resolution authorizing the Mayor to apply for, accept and expend the Minority Business Development grant.

**Grant Amount:** Not to exceed \$285,000

**Grant Period:** August 1, 1997 through July 31, 1998

**Source of Funds:** Federal Department of Commerce, Minority Business Development Agency (MBDA)

**Matching Funds:** \$165,000

**Source of Match:** FY 1997-98 MOED Budget

**Description:** The proposed resolution would authorize the Mayor to apply for, accept and expend a \$285,000 grant from the United States Department of Commerce, Minority Business Development Agency (MBDA). In addition, the proposed resolution would approve a Joint Project Agreement, under which the MBDA would agree to provide \$285,000 and the City would agree to contribute matching funds of \$165,000, for a total budget of \$450,000, to fund the first year activities of a San Francisco Minority Business Opportunity Committee (SFMBOC) and related staff. The proposed SFMBOC is intended to develop and facilitate expansion opportunities for minority business in San Francisco. As stated in the proposed grant application, the MBOC is designed to survey, monitor, evaluate and prepare reports regarding minority business activity in San Francisco through the coordination of Federal, State and local government and private sector resources. In order to achieve these goals, the MBOC will identify potential projects, determine support needs and monitor expected results.

As stated in the proposed grant application, the specific work requirements of the MBOC are as follows: (1) collect information about the participation of public and private sector organizations in local minority business programs; (2)

coordinate efforts at the local level to identify and disseminate information on direct business and market opportunities for minority firms; (3) identify and encourage financial institutions to provide access to capital for minority firms; (4) establish and maintain an MBOC committee, to be comprised of Federal, State and local representatives; (5) attend regional and national Minority Business Development Agency (MBDA) conferences; (6) establish an international trade component and conduct international trade-related missions; (7) disseminate information about the availability of resources in order to bring about the awareness and commitment to the principles of business success; and (8) provide a final report to MBDA and the City containing recommendations for facilitating the creation and expansion of minority-owned businesses in San Francisco.

**Budget:**

Attachment 1 provided by the MOED provides the budget breakdown for the total project costs of \$450,000, including salaries, travel expenses, office expenses and publicity and special events. Attachment 2 also provided by the MOED identifies those costs to be paid for by the Federal grant of \$285,000 and those costs to be paid with the local matching funds of \$165,000.

**Comments:**

1. According to Ms. Sue Lee, Director of the Mayor's Office of Economic Development, although the existing MOED FY 1997-98 budget includes sufficient personnel, fringe benefit, equipment and other expenses (such as reproduction, materials and supplies, seminar costs, etc.) to provide the necessary local matching funds for the proposed grant, the MOED FY 1997-98 budget does not include any travel funds that can be used as matching funds for the proposed grant. As shown in Attachment 2, \$17,850 of local matching funds for travel are to be included as part of the City's overall \$165,000 in matching funds. Ms. Lee reports that she is currently engaged in discussions with the Department of Commerce to determine whether the grantor, the Department of Commerce, will pay all of the travel expenses for the proposed grant.

2. According to Mr. Montel Jennings the Director of the San Francisco Minority Business Opportunity Committee, a total of \$59,500 of travel funds are included in the proposed grant to be expended during the one-year grant period. This includes \$9,500 for local travel and annual conferences and



\$50,000 of international travel funds for trips to (1) Seoul, South Korea, (2) Osaka, Japan, (3) Manila, Philippines and (4) Sydney, Australia. The Budget Analyst questions the need for over 13 percent of the project cost or \$59,500 to be used for travel, of which over 11 percent or \$50,000 is for international trips, particularly since the stated main purpose of the proposed grant is to assist minority businesses in San Francisco. Mr. Jennings reports that the purpose of these foreign trips is to create new minority business opportunities abroad for minority San Francisco firms and to facilitate international investment into San Francisco.

3. Mr. Jennings reports that he has requested various amendments to the proposed grant, that have been verbally approved by the Department of Commerce. For example, Mr. Jennings reports that the grant period has been amended from the original August 1, 1997 through July 31, 1998 to the period from November 1, 1997 through October 31, 1998. Attachment 3 reflects the four proposed amendments to the subject grant.

4. The proposed grant would be a new grant for the City. Although there is not a specific evaluation component of the proposed grant to assess the success of this program, as shown in Attachment 3, the Mayor's Office has included specific objectives, in terms of the contract award amounts to be generated by the MBOC, to be achieved during the second, third and fourth quarters of the grant period.

5. Ms. Lee reports that the proposed grant needs to be amended to be retroactive because program activities and costs have been incurred since the amended grant period began in November of 1997. For example, Mr. Montel attended an annual conference in Washington, D. C. in November, 1997, as part of the proposed grant activities. As of the writing of this report, Ms. Lee could not provide a breakdown of the costs that had been incurred to date on the proposed grant.

**Recommendations:** 1. Amend the proposed resolution to provide for retroactive approval.

2. Given the fact that over 13 percent of the project cost or \$59,500 is to be used for travel, of which over 11 percent or \$50,000 is for international trips to (1) Seoul, South Korea,

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Memo to Economic Development, Transportation and Technology Committee  
February 3, 1998 Meeting

(2) Osaka, Japan, (3) Manila, Philippines, and (4) Sydney, Australia, when the stated main purpose of the proposed grant is to assist minority business in San Francisco, we consider approval of the proposed resolution, as amended, to be a policy decision for the Board of Supervisors.

MBOC BUDGET - FY 97-98Salaries

Executive Director	70,000
Program Manager	55,000
Program Coordinator	40,000
Administrative Assistant	33,000
Fringe Benefit	42,000
Subtotal	\$240,000

Travel Expenses

Local	1,000
Travel to other MBOC Offices	4,000
Annual Conference	4,500
International Trade Operations	50,000
*Seoul, South Korea	
*Osaka, Japan	
*Manila, Phillipines	
*Sydney, Australia	
Subtotal	59,500

Office Expenses

Equipment/Computers	9,000
Supplies/Printing	8,000
Postage	4,000
Office Rent	25,850
City of SF Services	87,400
Subtotal	\$134,250

Publicity and Special Events

Brochures/Publications	7,750
Workshops/Forums	8,500
Subtotal	16,250

Grand Total	\$450,000
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## BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0316-0044

## SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget	
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)
1		\$	\$	\$ 285,000	\$ 165,000
2					
3					
4					
5		\$	\$	\$ 285,000	\$ 165,000
Totals				\$ 285,000	\$ 165,000
					\$ 450,000

## SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM FUNCTION OR ACTIVITY		Total	
	(1)	(2)	(3)	(4)
a Personnel	\$	\$ 138,600	\$ 59,400	\$ 198,000
b Fringe Benefits		29,400	12,600	42,000
c Travel		41,650	17,850	59,500
d Equipment		6,900	2,100	9,000
e Supplies		27,250	0	27,250
f Contractual		0	0	0
g Construction		0	0	0
h Other		41,200	73,050	114,250
i Total Direct Charges (sum of 6a-h)		285,000	165,000	450,000
j Indirect Charges				
k TOTALS (sum of 6i and 6j)	\$	\$ 285,000	\$ 165,000	\$ 450,000

7 Program Income	\$	\$	\$	\$
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OFFICE OF THE MAYOR  
SAN FRANCISCO



WILLIE LEWIS BROWN, JR.

December 18, 1997

TO: Melda Cabrera  
Regional Director  
Minority Business Development Agency

FROM: Montel Jennings *mg*  
Director  
San Francisco Minority Business Opportunity Committee

RE: **Amendments To Joint SF MBOC Agreement**

It was a pleasure meeting with you and Melda during the MED Week Conference in Washington D.C. last month. The business sessions were informative and I had the opportunity to converse with new MBDA Director Cortland Cox.

The joint MBOC Agreement is currently being reviewed by our San Francisco Board of Supervisors, Budget Analyst staff. The Board will review, discuss, and vote on this agreement next Wednesday, December 24<sup>th</sup>, during their weekly scheduled meeting.

With your approval, there are a few minor amendments and adjustments our office would like to incorporate into this agreement. We believe this flexibility will be beneficial to the program long-term. The verbiage of these revisions is as follows:

**CONTRACT DURATION**

**"The term of the joint agreement is for a twelve month period, beginning August 1, 1997 and ending July 31, 1998."**

The amendment would reflect the following language, "the joint agreement is for a twelve month period beginning November 1, 1997 and ending October 30, 1998."

401 VAN NESS AVENUE, ROOM 336, SAN FRANCISCO, CALIFORNIA 94102

(415) 554-6141

RECYCLED PAPER

## SF MBOC Amendments - Cont'd

### QUARTERLY TPP PLAN OBJECTIVES

TPP Plan Objectives specify contract award amounts which will be generated by the SF MBOC, i.e.,

- Second Quarter -- \$2 Million
- Third Quarter -- \$3 Million
- Fourth Quarter -- \$4 Million

Given the fact that the SF MBOC is a new program, an adequate "ramp-up" period is needed to perform outreach activities and strong participation from business and community sectors in San Francisco. Indeed, there will be an aggressive methodology for acquiring strong minority participation in mega-projects such as Mission Bay, the 49'ers Stadium & Mall Complex, the Disney/De Bartolo Project, SF Giants/Pac Bell Park, etc. It is too early to predict the quantitative contractual benchmarks and/or the percentage of minority contractor participation. It is our intent to identify and collaborate with these business entities as soon as the joint SF MBOC agreement is approved by the SF Board of Supervisors.

### INTERNATIONAL TRADE OPERATIONS

As stated, the international trade operations line items reflect a narrow focus of doing travel and trade with only the SF "sister-cities", namely, Seoul, South Korea; Osaka, Japan; Manila, Phillipines; Sydney, Australia.

The San Francisco MBOC will not be limited to the established relationships with our sister-cities, but also include the "emerging markets" as identified by the U.S. Department of Commerce and MBDA databases.

### OFFICE EXPENSES

The current joint agreement reflects a projected expenditure of \$25,850 for Office Rent and \$87,400 for City of SF Services.

**SF MBOC Amendments - Cont'd**

The current cost configurations were based on the SF MBOC being situated and physically housed in an office venue within the Mayor's Office of Community Development (MOCD). More appropriately, the SF MBOC will be housed within the Mayor's Office of Economic Development (MOED) therefore, the cost configurations will be significantly different than was previously calculated.

**SUMMARY**

Again, please notify our office of your approval of these amendments to the SF MBOC Joint Agreement at your earliest convenience. I look forward to working with you and your staff in making the SF MBOC project the most successful in the nation.

Please feel free to give me a call if you have any questions or comments relative to this request. I can be reached at (415) 252-3130. My fax is (415) 252-3110.





Items 11, 12 and 13 - Files 261-97-1, 261-97-2 and 261-97-3

**Department:** Art Commission  
Airport Commission  
Port Commission

**Item:** Item 11, File 261-97-1 - Resolution establishing a "Proudly Made in San Francisco" label to be placed on items manufactured in San Francisco and urging the San Francisco Art Commission to sponsor a contest for the creation of a "Made in San Francisco" label.

Item 12, File 261-97-2 - Resolution urging the Airport Commission to consider the adoption of a policy to require, where appropriate, that when Airport concession agreements are awarded and renewed, a provision be included in the agreements with the concessionaires that the concessionaires promote and sell items manufactured in San Francisco, and directing the Clerk of the Board to transmit a copy of this resolution to the Airport Commission for its consideration.

Item 13, File 261-97-3 - Resolution urging the San Francisco Port Commission to consider the adoption of a policy to require, where appropriate, that when Port concession agreements are awarded and renewed, a provision be included in the agreements with the concessionaire that the concessionaires promote and sell items manufactured in San Francisco, and directing the Clerk of the Board to transmit a copy of the resolution to the Port Commission for its consideration.

**Description:** In an effort to promote goods manufactured in San Francisco and, in turn, economic development, job retention, and job creation, the proposed resolutions encourage the purchase of products manufactured in San Francisco. San Francisco manufacturers of clothing, accessories, gifts, food and beverage and furniture can publicize their place of origin and thereby promote products manufactured in San Francisco. File 261-97-1 would urge the San Francisco Art Commission to sponsor a contest for the creation of an official "Made in San Francisco" label.

According to File 261-97-2, the Airport currently has concession agreements with 15 retail businesses, which

generate over \$148 million in annual sales. The construction of the new International Terminal would increase total square footage available for retail and food and beverage operations by 72 percent. As the San Francisco Airport is the first and last opportunity for many tourists to purchase souvenirs and gifts, File 261-97-2 proposes to urge the Airport Commission to consider adoption of a policy that would require, where appropriate, that when concession agreements are awarded and renewed, a provision be included in the agreements with the concessionaires that the concessionaires promote and sell items manufactured in San Francisco. The conditions considered appropriate would include a determination that a specific concessionaire markets and sells goods that could be manufactured in San Francisco.

According to File 261-97-3, the Port of San Francisco currently has concession agreements with 11 retail businesses located on Port-owned property. File 261-97-3 would urge the San Francisco Port Commission to consider adoption of a policy that would require, where appropriate, that when concession agreements are awarded or renewed, a provision be included in the agreements with the concessionaires that the concessionaires promote and sell items manufactured in San Francisco. The conditions considered appropriate would include a determination that a specific concessionaire markets and sells goods that could be manufactured in San Francisco.

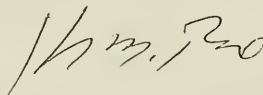
**Comments:**

1. According to Mr. Stanlee Gatti of the Art Commission, the Art Commission is supportive of hosting the contest for the creation of the official "Made in San Francisco" label. Ms. Nancy Gonchar of the Art Commission reports that the Art Commission is currently investigating the cost of administering a "Made in San Francisco Label" contest, but that she estimates that such a contest would cost between \$10,000 and \$15,000, depending on the extent and nature of the advertising and promotion, and the cost of printing the contest announcements. Ms. Gonchar has further stated that a source to fund the contest costs has not been identified, and that approximately six months would be required to complete the contest.

2. Mr. Peter Nardoza of the Airport advises that the Airport currently has a policy that encourages Airport vendors to promote the sale of goods manufactured in San Francisco. According to Mr. Nardoza, although the attached Airport Commission resolution has not yet been adopted, Airport staff have included the language of the first resolved clause in all the Airport's recent retail leases. Mr. Nardoza reports that an integral part of the Airport Commission's mission is to create a terminal complex that reflects the City and County of San Francisco. He reports that staff are continuously seeking ways of providing a distinctive experience for visitors to the San Francisco International Airport.

3. Ms. Veronica Sanchez on the Port advises that presently more than 80 percent of the merchandise sold by vendors on Port-owned property is manufactured outside of San Francisco.

**Recommendation:** Approval of the proposed legislations is a policy matter for, the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Medina  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa

## AIRPORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. \_\_\_\_\_

POLICY PROMOTING THE DISPLAY AND SALE OF PRODUCTS PRODUCED IN SAN FRANCISCO

WHEREAS, in keeping with the Airport's on-going policy to attract San Francisco-based businesses and promote products made in San Francisco, this Commission wishes to further that policy; and

WHEREAS, encouraging the display and sale of apparel and other products produced in San Francisco is consistent with the Airport's policy to increase the presence of San Francisco-based companies as part of the Airport's Concession Program; and

WHEREAS, this Commission desires to establish a policy on this matter; now, therefore, be it

RESOLVED, that this Commission hereby establishes the Policy to encourage, unless otherwise prohibited within the specific provisions of a lease, concessionaires to promote and display the sale of apparel and other products produced in San Francisco; and, be it further

RESOLVED, that this Commission hereby directs the Director to have the appropriate language regarding this Policy incorporated into all future concession leases and agreements.

I hereby certify that the foregoing resolution was adopted by the Airport Commission  
at its meeting of \_\_\_\_\_

\_\_\_\_\_  
Secretary

3F

390.236

\*2

13/98

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REGULAR CALENDAR Action  
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ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, FEBRUARY 3, 1998 - 10:00 A.M. VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, JOSE MEDINA

ABSENT: SUPERVISOR LESLIE KATZ

CLERK: GAIL JOHNSON

1. File 98-0014. [General Plan Referral Procedures] Ordinance amending Administrative Code by adding Sections 2A.52 and 2A.53, requiring General Plan Referral Reports on the consistency with the City's General Plan of certain actions taken by the Board of Supervisors. (Planning Department)

ACTION: Hearing held. Recommended.

2. File 98-0089. [Intent to Vacate/Sell - Portion of Wawona St.] Resolution declaring intention of the Board of Supervisors to vacate and sell a portion of Wawona Street between 18th and 19th Avenues (Block 2478, Lot 13J), setting the hearing date for all persons interested in the proposed vacation and sale, making findings of General Plan conformance and consistency with Planning Code Section 101.1, and authorizing other official actions in connection therewith; companion measure to File 98-0090. (Real Estate Department)

ACTION: Hearing held. Amended on page 2, line 22, after "the," by adding "9th," and after "of," by adding "March." Further amended on page 2, line 23, after "at," by adding "3:00." Recommended as amended.

3. File 98-0090. [Vacation and Sale - Portion of Wawona St.] Resolution ordering the vacation and sale of portion of Wawona Street between 18th and 19th Avenues (Block 2478, Lot 13J), and authorizing other official actions in connection therewith; companion measure to File 98-0089. (Real Estate Department)

ACTION: Hearing held. To Board Without Recommendation for consideration on March 9, 1998, at 3:00 P.M.



4. File 98-0100. [Revocable Permit – 590 Van Ness Avenue] Resolution granting revocable permission to Ryan Construction Company to temporarily close and occupy the north sidewalk on Redwood Alley between Polk Street and Van Ness Avenue and to conduct construction operations at 590 Van Ness Avenue (Block 766, Lot 13). (Department of Public Works)

ACTION: Hearing held. Recommended.

5. File 98-0111. [Underground District No. 334] Ordinance creating Underground District No. 334 in the Broad Street/Randolph Street/19th Avenue area. (Supervisors Medina, Bierman)

ACTION: Hearing held. Recommended.

6. File 98-0112. [Underground District No. 335] Ordinance creating Underground District No. 335 in the Upper Folsom area. (Supervisors Medina, Bierman)

ACTION: Hearing held. Recommended.

7. File 97-97-75. [Regional Transit Discount ID Card Fee] Ordinance amending Administrative Code by adding Section 8.30 thereto, imposing fees to process applications for new, renewed and lost Regional Transit Discount Identification Cards; companion measure to 172-97-83. (Public Transportation Commission)

ACTION: Hearing held. Recommended.

8. File 172-97-83. [Regional Transit Discount Card Program] Resolution authorizing an indemnity provision in agreement regarding implementation of the Regional Transit Discount Program, among the City and County of San Francisco, the Metropolitan Transportation Commission, and the Bay Area Rapid Transit District; companion measure to File 97-97-75. (Public Transportation Commission)

ACTION: Hearing held. Recommended.

9. File 124-97-6. [Proof of Payment, Passenger Conduct Violations] Ordinance amending Traffic Code by amending Section 3.2 to redefine "Streetcar"; by repealing Section 126 regarding boarding and alighting streetcars or vehicles and reenacting that provision in Section 128; by amending Section 127 to allow boarding of public transit vehicles through rear doors under some circumstances and to require transit passengers to display proof of payment of fares; by repealing and reenacting Section 128 to institute other passenger conduct violations; by amending Section 128.1 to impose penalties for violation of Sections 127 and 128; by adding Section 128-A to authorize fare inspectors; by repealing Section 129 regarding expectorating in transit vehicles and reenacting that provision in Section 128; and stating the intent of the Board that funds from enforcement of Sections 127, 128 and Penal Code Section 640 be used to defray costs of the proof of payment program and that an audit be performed every three years. (Public Transportation Department)

ACTION: Hearing held. Recommended.

10. File 68-97-8. [Grant, Minority Business Opportunity Committee] Resolution authorizing the Mayor to apply for, accept and expend the Minority Business Development grant for a total amount not to exceed \$450,000. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Amended on page 1, line 2, after "Francisco," and on page 2, line 2, after "Development," by adding "retroactively." Recommended as amended. New title: "Authorizing the Mayor, retroactively, to apply for, accept and expend the Minority Business Development grant for a total amount not to exceed \$450,000."

11. File 261-97-1. [Made in San Francisco Label] Resolution establishing a "Proudly Made in San Francisco" label to be placed on items manufactured in San Francisco and urging the San Francisco Art Commission to sponsor a contest for the creation of a "Made in San Francisco" label. (Supervisor Teng)

ACTION: Hearing held. Recommended.

12. File 261-97-2. [San Francisco First Policy, Airport] Resolution urging the Airports Commission to consider the adoption of a policy to require, where appropriate, the sale of items manufactured in San Francisco, in Airport renewal concession contracts and future Airport concession contracts, and directing the Clerk of the Board to transmit a copy of this resolution to the Airports Commission for its consideration. (Supervisor Teng)

ACTION: Hearing held. Recommended.

13. File 261-97-3. [San Francisco First Policy, Port] Resolution urging the San Francisco Port Commission to consider the adoption of a policy to require, where appropriate, the sale of items manufactured in San Francisco, in Port renewal concession contracts and future Port concession contracts, and directing the Clerk of the Board to transmit a copy of this resolution to the San Francisco Port Commission for its consideration. (Supervisor Teng)

ACTION: Hearing held. Recommended.

14. File 98-0016. [Parking and Traffic, Taxicabs] Ordinance amending Traffic Code by amending Section 34 thereof, regarding the exemption of taxicabs from turn prohibitions. (Supervisor Newsom)

ACTION: Hearing held. Recommended.

15. File 171-97-2. [Carpooling Sites in San Francisco] Hearing to consider the feasibility of maintaining carpooling sites in San Francisco on an ongoing basis for the purposes of reducing City congestion and pollution, with the Department of Parking and Traffic and other interested groups providing input. (Supervisor Newsom)

ACTION: Hearing held. Filed.



## LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that  
fall under the 30-day Rule.

BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308  
San Francisco 94102-4532  
554-5184

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NOTICE OF CANCELED MEETING

ECONOMIC DEVELOPMENT, TRANSPORTATION AND  
TECHNOLOGY COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, February 17, 1998, at 10:00 a.m., has been canceled.

The next regularly scheduled meeting of the Economic Development, Transportation and Technology Committee will be held on Tuesday, March 3, 1998, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script, reading "John L. Taylor".

John L. Taylor  
Clerk of the Board

POSTED: FEBRUARY 10, 1998



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per call

Public Library, Documents Department  
Attn: Kate Wingerson

CITY AND COUNTY



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## BOARD OF SUPERVISORS

### BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

February 13, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** February 17, 1998 Special Economic Development, Transportation and Technology Committee Meeting

#### Item 1 - File 98-186

**Department:** Mayor's Treasure Island Project Office

**Item:** Resolution approving and authorizing an amendment to the sublease agreement for Building 3 on Naval Station Treasure Island between the City and Universal Studios by adding portions of Building 180 to the sublease agreement.

**Location:** Naval Station Treasure Island

**Purpose of Lease:** Motion Picture Production Facility

**Lessee:** City and County of San Francisco

**Sublessee:** Universal Studios

**Number of Square**

**Feet:** Approximately 38,000 square feet

**Lease Rate Payable**

**by Universal to City:** \$0.546 per square foot, per month, for 2.21 months, for a total of \$45,844

**Term of sublease:** February 23, 1998, to April 30, 1998

**Utilities and  
Maintenance:** Universal Studios

**Right of Renewal:** None.

**Description:** In November of 1996, the Board of Supervisors approved an ordinance (File 64-96-16) authorizing the Mayor to enter into leases, licenses and other agreements with the Navy regarding the Naval Base, and in turn to enter into subleases, sublicenses and other agreements with any third parties for a term of less than two years without competitive bidding, subject to Board of Supervisors approval.

The Board of Supervisors approved a Cooperative Agreement between the Navy and the City in September of 1997, providing that the City would operate and maintain the Treasure Island utility systems, and would also assume responsibility for providing public safety, grounds maintenance, and property management services. Specifically, the Cooperative Agreement states that the City will provide the following four services:

- operation and maintenance for the water, waste water, storm water, electric and gas utility systems on the Base;
- security and public health and safety services;
- grounds and street maintenance and repair;
- property management and caretaker services.

Under the terms of the Cooperative Agreement, the City does not pay rent to the Navy. However, in consideration for no rent being charged to the City, the City is required to actively market the parcels in order to obtain revenue-producing sublessees which can pay for providing adequate security and maintenance services. Additionally, according to Mr. Michael Cohen of the City Attorney's Office, the Navy wants the City to obtain sublessees because the revenues generated from such subleases, in excess of the City's costs for property management services, including security and maintenance services, will be used for the capital improvements needed at the Naval Base.

The Board of Supervisors previously approved a sublease agreement between the City and Universal Studios for the sublease of Building 3 in November of 1997. Under that existing sublease, Universal Studios subleases Building 3, consisting of 144,767 square feet, at a rate of \$0.276 per square foot, per month, for a total of \$40,000 monthly, for the period of November 1, 1997, through June 30, 1998.

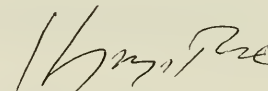
The proposed resolution would amend the existing sublease with Universal Studios for Building 3 to include approximately 38,000 square feet of Building 180, at an average cost of \$0.546 per square foot, or approximately \$20,744 per month. The term of the sublease would be from February 23, 1998, to April 30, 1998.

**Comment:**

According to Mr. Larry Florin of the Mayor's Treasure Island Project Office, the proposed lease rate of \$0.546 per square foot per month represents the fair market value for the subject site.

**Recommendation:**

Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller

Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey





FEB 19 1998

SAN FRANCISCO  
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BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCOTUESDAY, FEBRUARY 17, 1998 - 10:30 A.M.    VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT:        SUPERVISORS YAKI, KATZ

CLERK:         GAIL JOHNSON

1. File 98-0186. [Lease, Treasure Island] Resolution approving and authorizing an amendment by and between the City and County and Universal Studios for the sublease of Buildings 3 and 180 on naval station Treasure Island. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Recommended.

## LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that  
fall under the 30-day Rule.



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CITY AND COUNTY



OF SAN FRANCISCO

## BOARD OF SUPERVISORS

### BUDGET ANALYST

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FAX (415) 252-0461

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February 27, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** March 3, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 2- File 98-287

**Department:** Department of Parking and Traffic

**Item:** Resolution authorizing the Executive Director of the Department of Parking and Traffic to retroactively apply for, accept and expend up to \$5,111,500 in State Flexible Congestion Relief Program funds and Federal Highway Administration Funds for the Right-of-way Acquisition and construction of Cesar Chavez (Army) Street Widening, from Mississippi Street to Third Street and the Bayshore Boulevard Weaving Project at Jerrold Avenue.

**Grant Amount:** \$5,111,500

**Grant Period:** December 11, 1997 through December 31, 1999  
(approximately 2 years)

**Source of Funds:** State Flexible Congestion Relief Program Funds \$4,773,500  
Federal Highway Administration Funds 338,000  
\$5,111,500

Memo to Economic Development, Transportation, and Technology Committee  
March 3, 1998, Economic Development, Transportation, and Technology Committee  
Meeting

**Project:** Right-of-way Acquisition and Construction of Cesar Chavez (Army) Street Widening, from Mississippi Street to Third Street and the Bayshore Boulevard Weaving Project at Jerrold Avenue

**Description:** The proposed resolution would authorize the Department of Parking and Traffic to apply for, accept, and expend the grant funds in the amount of \$5,111,500 to fund the Right-of-way Acquisition (see Comment No. 1) and Construction of Cesar Chavez (Army) Street Widening, from Mississippi Street to Third Street and the Bayshore Boulevard Weaving Project at Jerrold Avenue.

According to Mr. Albert Wong of the Department of Parking and Traffic, the segment of Cesar Chavez (Army) Street from Mississippi to Third Street does not contain the following: (1) bicycle lanes on either side of the street; and (2) sidewalks and street parking on the south side of the street. At the intersections of Cesar Chavez (Army) Street and Bayshore Boulevard, Mr. Wong further advises that there is a "weaving condition" because several streets merge together then split off in different directions and there are no traffic controls such as signage and pavement markings to guide motorists.

Mr. Wong states that the subject funds in the amount of \$5,111,500 would be used by the Department of Parking and Traffic to fund construction work including: (1) widening the street to install bicycle lanes, street parking, and sidewalks on the South side of the street; (2) providing pavement markings for new turning lanes on the segment of Cesar Chavez (Army) Street from Mississippi Street to Third Street; (3) placing traffic signals and overhead signage at the intersection of Bayshore Boulevard and Jerrold Avenue/US 101; and (4) installing a new traffic signal at the intersection of Indiana Street and Cesar Chavez (Army) Street.

**Budget:** Attachment I is a budget provided by Mr. Albert Wong of the Department of Parking and Traffic for the requested amount of \$5,111,500 retroactive from December 11, 1997 through December 31, 1999.

**Required Match:** \$150,000 or 2.93% of \$5,111,500 (see Comment No. 2)

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Indirect Costs:           None

Comments:               1. Mr. Wong advises that a total of \$302,500 in the subject grant funds from the State Flexible Congestion Relief Program will be used for Right-of-Way Acquisitions for the proposed project. According to Mr. Wong, the Public Utilities Commission owns the land adjacent to the segment of Cesar Chavez (Army) Street where the DPT proposes to widen the roadway and install bicycle lanes and sidewalks. Therefore, the DPT must pay the Public Utilities Commission's Clean Water Enterprise \$275,500 (of the subject grant funds from the State Flexible Congestion Relief Program) for a Right-of-Way Acquisition to perform construction work on the Public Utilities Commission's sewer bond-purchased land.

Additionally, Mr. Wong advises that the DPT proposes to construct a sidewalk and a bicycle path along a small segment on the south side of Cesar Chavez (Army) Street that runs under the train track bridge on property that is owned by the Peninsula Joint Powers Board (PJPB). The PJPB consists of representatives from San Francisco Municipal Railway (MUNI), San Mateo County Transit District, and Santa Clara County Transit District. Mr. Wong advises that the DPT is required to enter into a Grant of Easement Agreement to pay the PJPB \$27,000 (of the subject grant funds from the State Flexible Congestion Relief Program) in order to perform construction work on PJPB owned land.

According to Mr. John Panieri of the Department of Real Estate (DRE), the proposed resolution must be approved before the DRE, on behalf of the DPT, is able to submit a resolution to the Board of Supervisors for authorization of the Grant of Easement Agreement with the PJPB.

2. Mr. Wong advises that the source of the matching funds in the amount of \$150,000 is from the Proposition B Sales Tax revenues.

3. Mr. Wong reports that the Department has already applied for and accepted the subject funds. Therefore, the

Memo to Economic Development, Transportation, and Technology Committee  
March 3, 1998, Economic Development, Transportation, and Technology Committee  
Meeting

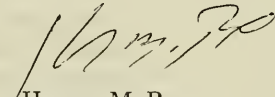
proposed resolution has been submitted by DPT retroactively. However, Mr. Wong advises the subject grant funds have not yet been expended.

4. Mr. Wong advises that the Department of Public Works, on behalf of the DPT, will initiate a competitive bid process and award the construction contract.

5. Attachment II is the Summary of Grant Request form as prepared by the Department of Parking and Traffic.

6. The Department has prepared a Disability Access Checklist for the proposed grant program, which is on file with the Clerk of the Board.

**Recommendation:** Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
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Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



**CESAR CHAVEZ WIDENING PROJECT &  
BAYSHORE BOULEVARD WEAVING PROJECT  
TENTATIVE BUDGET**

Work Scope	Personnel Costs	Contractual Costs	Inter-Departmental Work Order	Total
Right-Of-Way Acquisition	- 0 -	\$302,500	- 0 -	\$302,500
Construction Work	- 0 -	\$4,250,000 *	- 0 -	\$4,250,000
Construction Inspection	- 0 -	- 0 -	\$344,000 *	\$344,000
Construction Support	\$190,000	- 0 -	\$25,000 *	\$215,000
<b>TOTAL</b>	<b>\$190,000</b>	<b>\$4,552,500</b>	<b>\$369,000</b>	<b>\$5,111,500</b>

Note: Indirect Costs are estimated at  $10\% \times (\text{Total Personnel Costs} - \text{Portion of State Grant}) = 0.10 \times (\$190,000 - \$160,000) = \$3,000$

\* If approved, this funding is immediately transferred to DPW for project award, construction inspection and engineering support.

**Construction Support - Dept. of Parking & Traffic**

Class	Personnel	Hourly Rate w/Overhead	Number of Hours	Cost
5230	Traffic Engineer	\$60	840	\$50,400
5228	Asst. Traffic Engr.	\$44	1127.27	\$49,600
5303	Sign Supervisor	\$48	160	\$7,680
7457	Sign Installer	\$33	494.54	\$16,320
7242	Painter Supervisor	\$44	160	\$7,040
7346	Painter	\$39	1255.38	\$48,960
7345	Electrician	\$46	217.39	\$10,000
			Total	\$190,000



**Construction Support - Dept. of Public Works**

Class	Personnel	Hourly Rate w/Overhead	Number of Hours	Cost
5206	Assoc. Civil Engr.	\$63 *	238	\$14,994
5204	Asst. Civil Engr.	\$53 *	188.79	\$10,006
			Total	\$25,000

**Construction Inspection - Dept. of Public Works**

Class	Personnel	Hourly Rate w/Overhead	Number of Hours	Cost
5208	Civil Engineer	\$72 *	1040	\$74,880
5206	Assoc. Civil Engr.	\$63 *	3302.38	\$208,050
5305	Material Testing Tech.	\$45 *	1046	\$47,070
5216	Chief Surveyor	\$72 *	56	\$4,032
5314	Survey Party Chief	\$58 *	64	\$3,712
5312	Surveyor	\$50 *	64	\$3,200
5310	Surveyor Field Asst.	\$45 *	67.90	\$3,056
			Total	\$344,000

\* DPW's overhead rate is estimated at 100%.  
All others are estimated at 70%.

File Number: \_\_\_\_\_

**GRANT APPLICATION INFORMATION FORM**

(A document required to accompany a proposed resolution  
authorizing a Department to apply for a grant)

TO: The Board of Supervisors  
Attn: Clerk of the Board

The following describes the grant referred to in the accompanying resolution:

1. Department: Department of Parking and Traffic
2. Contact Person: Albert K. Wong *AKW* Telephone: 554-2331
3. Project Title: Cesar Chavez Street Widening, Mississippi To Third Streets  
And Bayshore Boulevard Weaving
4. Grant Source: State of California - Flexible Congestion Relief Fund  
Federal Highway Administration - Federal
5. Type of Funds: ☒ Federal ☐ Federal-State(Pass Thru) ☒ State ☐ Local ☐ Private
6. Proposed New Grant Project Summary:

These funds will be used to acquire right-of-way and construct bicycle lanes, sidewalks, parking, turning lanes, traffic signals, paving and landscaping improvements on Cesar Chavez Street; and signals and channelization improvements on Bayshore Boulevard at Jerrold Avenue/US 101 off-ramp.

7. Amount of Grant funding Applied for: \$5,111,500
8. Maximum Funding Amount Available: \$5,111,500
9. Required Matching Funds: ☒ Yes ☐ No \$150,000 (Cash - Sales Tax)
10. Number of new Positions Created and Funded: 0
11. If new positions are created, explain  
the disposition once grant ends: N/A
12. Are indirect cost eligible costs for this grant? No
13. Amount to be Spent on Contractual Services: \$4,250,000 (Construction Only)
14. Will Contractual Services be put out to Bid? Yes  
Will Contract Services help to further the  
goals of the department's MBE/WBE reqm'ts? Yes

Grant Application Information Form  
Page 2

15. Is this likely to be a one-time or ongoing request for contracting out?

Ongoing

16. Term of Grant: Start Date: Dec. 11, 1997 End Date: Dec. 31, 1999

17. Date Department Notified of Available Funds: November 6, 1997

18. Application Due Date: December 30, 1997

19. Grant Funding Guidelines and Options (from RFP, grant announcement or appropriations legislation):

The Flexible Congestion Relief Program is a State program developed to fund the construction of new roadways, improvements to existing roadways, and public mass transit guideways. These projects must provide congestion relief. Both State and local agencies compete for funds.

The federal funding is part of the Federal Highway Administration's program to fund construction of new roadways, improvements to existing roadways, and traffic safety related and congestion relief improvements. Both State and local agencies compete for funds.

Projects that meet the above criteria were submitted to the San Francisco County Transportation Authority and screened for eligibility criteria and subsequently scored and prioritized accordingly. The Metropolitan Transportation Commission (MTC) subsequently prioritizes all applications received from the nine counties in the San Francisco Bay Area. Eligible project costs include preliminary engineering, right-of-way, construction engineering and construction.

20. Department Head Approval: Signature: \_\_\_\_\_

Bill Maher  
Bill Maher

Executive Director

Department of Parking & Traffic

MAR 05 1998

SAN FRANCISCO  
PUBLIC LIBRARYCALENDAR Actions TakenREGULAR MEETING

ECONOMIC DEVELOPMENT, TRANSPORTATION &amp; TECHNOLOGY COMMITTEE

BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, MARCH 3, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS YAKI, KATZ

CLERK: GAIL JOHNSON

1. File 98-0157. [Encroachment Permit, 3rd/King Streets] Resolution granting revocable permission to Huber, Hunt & Nichols, Inc. Construction Company to temporarily close and occupy the east sidewalk and a portion of the street area on 3rd Street, between King and Berry Streets, and the south sidewalk and a portion of the street area on King Street, between 2nd and 3rd Streets, to conduct construction operations at the Pacific Bell Park (Block 3794, Lot 28). (DPW Order No. 170,747.) (Department of Public Works)

ACTION: Hearing held. Recommended.

2. File 98-0287. [State and Federal Funds] Resolution authorizing the Executive Director to retroactively apply for, accept, and expend up to \$5,111,500 in combined State and Federal funds for the right-of-way acquisition and construction of Cesar Chavez (Army) Street Widening Project, from Mississippi Street to Third Street, and the Bayshore Boulevard Weaving Project at Jerrold Avenue. (Department of Parking and Traffic)

ACTION: Hearing held. Recommended.

3. File 98-0271. [Street Artist Selling Spaces] Resolution designating as permanent selling spaces for street artist certified by the Art Commission, ten former temporary spaces on Beach, north side, Larkin to Polk Streets, as designated in Resolution Nos. 572-77, 887-78, 932-79 and 849-80. (Supervisor Teng)

ACTION: Hearing held. Recommended.

4. File 98-0063. [Underground District No. 329] Ordinance creating Underground District No. 329 in the Liberty Hill area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

5. File 98-0064. [Underground District No. 330] Ordinance creating Underground District No. 330 in the Laidley Street area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

6. File 98-0142. [Underground District No. 331] Ordinance creating Underground District No. 331 in the Texas and 19th Street area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

7. File 98-0143. [Underground District No. 332] Ordinance creating Underground District No. 332 in the Duncan and Newberg Street area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

8. File 98-0144. [Underground District No. 333] Ordinance creating Underground District No. 333 in the Shotwell and Montezuma Street area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

9. File 12-97-33. [Community Use Bike Program Liability] Resolution urging the State Legislature to sponsor and support legislation inspired by the Colorado Immunity Act, which limits liability for municipalities that allow community use bicycle programs to exist in their jurisdictions. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

10. File 100-97-4. [Ferry Line Feasibility Study] Resolution requesting the Airports Commission to budget for and approve a study on the feasibility of and pertinent issues to consider in a plan to begin a ferry line between the San Francisco International Airport and the North Bay with a stopover at the Ferry Building. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

11. File 98-0191. [Power Plants] Hearing to consider the ramifications of a change in ownership of the Hunters Point and Potrero power plants. (Supervisor Bierman)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

12. File 189-97-5. [Cellular Phone Antennae Guidelines] Hearing to consider the guidelines for placement of cellular phone antennae. (Supervisor Bierman)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

SPECIAL ORDER – 11:00 A.M.

13. File 98-0035. [Bay Bridge West Approach Retrofit Plan] Hearing to discuss the plans for retrofitting the western Bay Bridge approach, including potential impacts on traffic access and the preliminary construction timeline. (Supervisor Yaki)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would create or revise major city policy, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction.

There are no items now pending in the Committee that fall under the 30-day Rule.





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## BOARD OF SUPERVISORS

### BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

March 13, 1998

**TO:** Economic Development, Transportation, and Technology  
Committee

**FROM:** Budget Analyst *Recommendations for meeting of*

**SUBJECT:** March 17, 1998 Finance Committee Meeting

Items 5 and 6 - Files 98-406 and 98-405

**Department:** Department of Public Works  
Planning Department  
Mayor's Office of Neighborhood Services

**Items:** Item 5, file 98-406: Resolution declaring the intention of the Board of Supervisors to vacate Cohen Place off Ellis Street between Leavenworth and Hyde Streets subject to a specified reservation, setting the hearing date for all persons interested in the proposed vacation, and authorizing other official actions in connection therewith.

Item 6, File 98-405: Ordinance ordering the vacation of Cohen Place off Ellis Street between Leavenworth and Hyde Streets subject to a specified reservation, authorizing the lease of such property on a year-to-year basis for annual rent of \$1.00, without competitive bidding, to the 509 Cultural Center, a nonprofit agency, and authorizing other official actions in connection therewith.

**Location:** Cohen Place, off Ellis Street between Leavenworth and Hyde Streets



Memo to Economic Development, Transportation, and Technology Committee  
March 17, 1998 Economic Development, Transportation and Technology  
Committee meeting

**Purpose:** To transform an unsafe alley into a multi-use space with plantings, benches, sculpture and performance area for neighborhood use.

**Lessor:** City and County of San Francisco

**Lessee:** 509 Cultural Center, a nonprofit agency

**No. of Sq. Ft.** Approximately 3,438 square feet

**Annual Cost:** \$1.00 annually

**Term of Lease:** Year-to-year

**Right of Renewal:** There is no specified term to the lease, no options, and no extensions. As such, there are no renewal rights. Either party may terminate the lease with 90 days notice.

**Description:** The proposed resolution, File 98-406, declares the intention to vacate Cohen Place, an alley off of Ellis Street between Leavenworth and Hyde Streets with dimensions of 25' x 137.5', or a total of 3,438 square feet. The proposed ordinance, File 98-405, orders the vacation of Cohen Place and authorizes a lease of the subject property on a year-to-year basis to the 509 Cultural Center for an annual rent of \$1, without competitive bidding.

The 509 Cultural Center is a nonprofit, multicultural, interdisciplinary creative arts center and an adjacent neighbor to Cohen Place. As Lessee, the 509 Cultural Center (Center) intends to transform the unsafe alley into an attractive public space by working with SLUG, the San Francisco League of Urban Gardeners, to create a multi-use space with plantings benches, sculpture and performance area. According to Mr. Darryl Smith of the Center, the proposed street vacation of Cohen Place will allow the Center to create an attractive space where local residents can gather to garden, socialize, hold public forums, take workshops and attend theater events, and thereby develop and empower the community through residential participation.

The subject lease has a specified reservation for public convenience and necessity which provides an exclusive

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**



Memo to Economic Development, Transportation, and Technology Committee  
March 17, 1998 Economic Development, Transportation and Technology  
Committee meeting

right for the City's access to use, maintain, repair, or replace an existing sewer line and catch basin.

**Comments:**

1. According to Mr. Amit Ghosh of the Planning Department, the proposed vacation is in conformity with the General Plan and consistent with Planning Code Section 101.1.

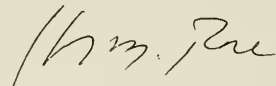
2. According to Mr. Mark Primeau of the Department of Public Works, Cohen Place is no longer needed for present or prospective street purposes. The Attachment to this report is DPW's drawing of the proposed area to be vacated.

3. The proposed resolution (File 98-406) provides for a full Board of Supervisors public hearing regarding this proposed vacation. The proposed resolution should be amended to specify the date and time of the public hearing before the full Board of Supervisors.

**Recommendation:**

1. Amend the proposed resolution, File 98-406, by setting a public hearing date and time before the full Board of Supervisors for all persons interested in the proposed vacation and sale of the subject property.

2. Report out the proposed ordinance, File 98-405, to the full Board of Supervisors without recommendation.

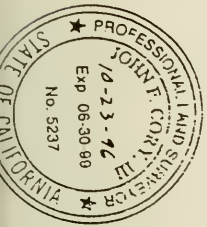
  
Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller

Gail Feldman  
Matthew Hymel  
Stephen Kawa  
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**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

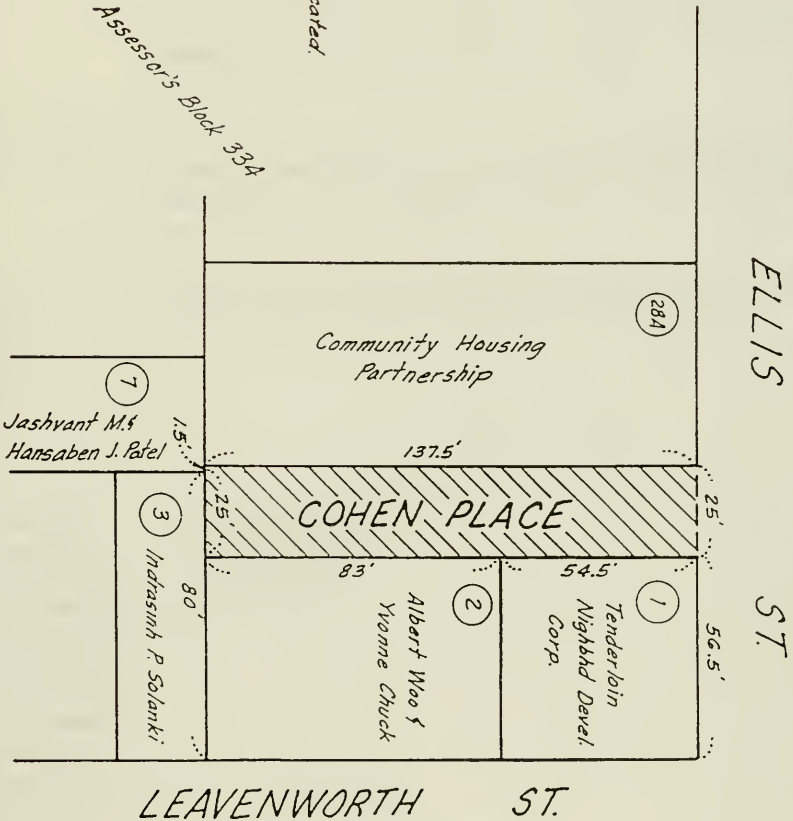




# LEGEND

3

Street area proposed to be vacated.  
Assessor's lot number



BY	DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS
DR.	TTC.	
TR.	TTC.	
CK.		
PROPOSED VACATION OF COHEN PLACE FROM THE SOUTHERLY LINE OF ELLIS ST. TO THE SOUTHERLY TERMINUS OF COHEN PLACE		APPROVED





Memo to Economic Development, Transportation, and Technology Committee  
March 17, 1998 Economic Development, Transportation and Technology  
Committee meeting

Attn: Kate Wingerson  
Documents Department

right for the City's access to use, maintain, repair, or  
replace an existing sewer line and catch basin.

**Comments:**

1. According to Mr. Amit Ghosh of the Planning Department, the proposed vacation is in conformity with the General Plan and consistent with Planning Code Section 101.1.

2. According to Mr. Mark Primeau of the Department of Public Works, Cohen Place is no longer needed for present or prospective street purposes. The Attachment to this report is DPW's drawing of the proposed area to be vacated.

3. The proposed resolution (File 98-406) provides for a full Board of Supervisors public hearing regarding this proposed vacation. The proposed resolution should be amended to specify the date and time of the public hearing before the full Board of Supervisors.

**Recommendation:**

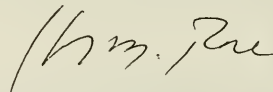
1. Amend the proposed resolution, File 98-406, by setting a public hearing date and time before the full Board of Supervisors for all persons interested in the proposed vacation and sale of the subject property.

2. Report out the proposed ordinance, File 98-405, to the full Board of Supervisors without recommendation.

DOCUMENTS DEPT.

MAR 17 1998

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Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller

Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

## LEGEND



(3)

Assessor's lot number

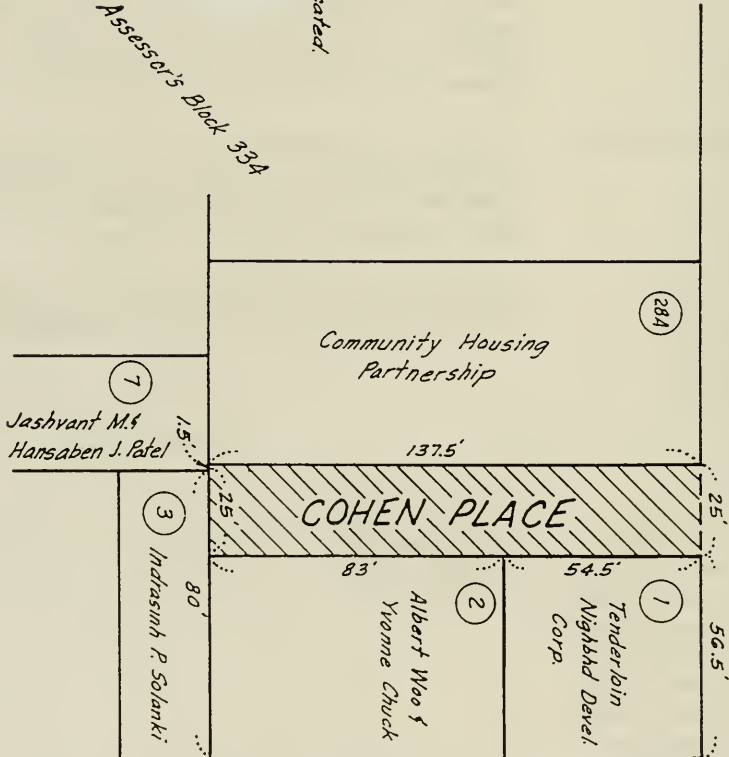
Street area proposed to be vacated.



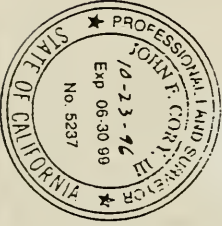
Assessor's Block 334

ELLIS ST.

ST.



LEAVENWORTH ST.



BY		DATE
DR.	T.T.C.	8-13-96
TR.	T.T.C.	8-13-96
CK.		
APP.		
APP.		

**CITY AND COUNTY OF SAN FRANCISCO**  
DEPARTMENT OF PUBLIC WORKS

**PROPOSED VACATION OF COHEN PLACE FROM THE SOUTHERLY LINE OF ELLIS ST. TO THE SOUTHERLY TERMINUS OF COHEN PLACE**

APPROVED BY: *John Conry*  
DATE: *Aug 14, 1996*  
CITY ENGINEER

SCALE: 1" = 40'  
SHEET 1 OF 1 SHEETS

FILE: **SUR 1096**

CHANGE

MAR 23 1998

SAN FRANCISCO  
PUBLIC LIBRARYCALENDAR *Action Taken*REGULAR MEETINGECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, MARCH 17, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ (ALL ITEMS)  
SUPERVISORS MICHAEL YAKI, LESLIE KATZ AND SUE  
BIERMAN (ITEMS 8, 9 AND 10)  
(SUPERVISOR BIERMAN WAS APPOINTED TO COMMITTEE FOR  
ITEMS 8 THROUGH 10 ONLY)

CLERK: GAIL JOHNSON

1. File 98-0293. [Street Flower Market] Ordinance amending Public Works Code Section 155 to add to the Market Street Flower Market the location on the east sidewalk of Montgomery Street, at Market Street, within 50 feet south of the north property line of Post Street. (Supervisor Kaufman)

ACTION: Hearing held. Recommended.

2. File 98-0374. [Underground District No. 339] Ordinance creating Underground District No. 339 in the South Slope of Bernal Hill area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

3. File 98-0375. [Underground District No. 338] Ordinance creating Underground District No. 338 in the Ocean Avenue area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

4. File 98-0376. [Underground District No. 340] Ordinance creating Underground District No. 340 in the Dolores Street area. (Supervisor Medina)

ACTION: Hearing held. Recommended.

5. File 98-0406. [Vacation and Lease – Cohen Place] Resolution declaring intention of the Board of Supervisors to vacate Cohen Place off Ellis Street between Leavenworth and Hyde Streets subject to a specified reservation, setting the hearing date for all persons interested in the proposed vacation, making findings of General Plan conformance and consistency with Planning Code Section 101.1 and authorizing other official actions in connection therewith; companion measure to File 98-0405. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Amended on page 3, line 2, after "the," by adding "13th," and after "of," by adding "April." Further amended on page 3, line 3, after "at," by adding "3:00." Recommended as amended.

6. File 98-0405. [Vacation and Lease – Cohen Place] Ordinance ordering vacation of Cohen Place off Ellis Street between Leavenworth and Hyde Streets subject to a specified reservation, authorizing the lease of such property on a year-to-year basis for annual rent of \$1.00, and without competitive bidding, to the 509 Cultural Center and authorizing other official actions in connection therewith; companion measure to File 98-0406. (Mayor Willie L. Brown, Jr.)

ACTION: To Board Without Recommendation for consideration on April 13, 1998.

7. File 98-0391. [National Historic Preservation Act Local Govt.] Resolution authorizing the Mayor or his/her written designee to execute documents, agreements and memoranda of agreement on behalf of the City and County of San Francisco as a "Certified Local Government" under the National Historic Preservation Act, and ratifying prior acts taken by the City and County as a Certified Local Government. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Consideration continued to April 7, 1998, meeting.

8. File 98-0193. [Violence on Municipal Railway System] Hearing to consider security and safety concerns on Municipal Railway. (Supervisor Brown)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

9. File 244-97-1.1. [Hunters Point Naval Shipyard] Hearing to consider the status of negotiations between the City and County and the Navy over the conveyance of Hunters Point Naval Shipyard and the feasibility of implementing a community-managed clean up program. (Supervisor Katz)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

10. File 98-0387. [Hunters Point and Potrero Power Plants] Resolution urging the San Francisco Public Utilities Commission, acting by and through its Hetch Hetchy Water and Power Department, to investigate the feasibility of acquiring and upgrading or replacing the Hunters Point and Potrero Power Plants; and to provide the Board of Supervisors with a report on the results of the investigation. (Supervisors Bierman, Ammiano)

ACTION: Hearing held. Amendment of the Whole bearing same title (correcting two minor clerical errors), as presented by Supervisor Bierman, adopted. Recommended as amended. (Supervisors Yaki and Katz added as co-sponsors.)

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0344. [CalTrain to Airport] Resolution supporting a direct connection of CalTrain to the San Francisco International Airport and encouraging the appropriate agencies, including the Joint Powers Board and San Francisco International Airport, to work cooperatively to establish such a direct connection. (Supervisors Bierman, Ammiano, Brown, Katz), 30 Day Rule expires on April 1, 1998.

Watch future calendars for matters.





CITY AND COUNTY



OF SAN FRANCISCO

**BOARD OF SUPERVISORS**

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

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APR 3 7 1998

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April 3, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for Meeting of*  
**SUBJECT:** April 7, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 1 - File 98-493

**Item:** Resolution authorizing the Port of San Francisco to agree to indemnify the State of California from all claims arising from a lease agreement between the State Lands Commission and the San Francisco Port Commission for maintenance dredging in the San Francisco Bay.

**Description:** The Port of San Francisco must obtain a dredging lease from the State Lands Commission in order to perform maintenance dredging at various locations within the Port's jurisdiction. The lease agreement includes a clause which requires the Port to indemnify the State, its officer, agents, or employees against any claim, demand, cause of action or liability of any kind arising out of or in connection with the issuance of the lease. Because of the indemnification clause in the lease agreement between the State Lands Commission and the Port, the Port is required to obtain the approval of the Board of Supervisors of the lease agreement.

The proposed resolution would authorize the Port to indemnify and save harmless the State of California from claims arising with respect to the Port's dredging

operations to be accomplished in accordance with the agreement between the Port and the State Lands Commission.

**Comments:**

1. The text of the "Indemnification" clause contained in the proposed lease agreement between the Port and the State Lands Commission is as follows:

Lessee agrees to indemnify, save harmless, and at the option of the State, defend said State of California, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents, or employees by any third person or entity, arising out of or connected with the issuance of this Lease or with Lessee's operations under this Lease or the use by Lessee or its agents, employees, or contractors, of Leased Lands.

2. The Lease would be effective upon approval by the State and execution by the State and the Port, and would continue through July 10, 2002. The Port would be authorized to dredge and remove a maximum of 422,400 cubic yards of dredged materials from the area under the Port's jurisdiction

3. According to Mr. Neil Sekhri of the City Attorney's Office, because the City is the current property owner of the areas subject to dredging, the indemnity of the State Lands Commission by the City does not expose the City to any liability significantly greater than that currently held by the City.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 5 – File 98-150

**Department:** Department of Telecommunications and Information  
Services (DTIS)

**Item:** Resolution urging the DTIS, in its Invitation for Bid for pay telephone equipment and local service, to include the following requirements: that the rate of pay telephones located in City-owned buildings and on other City-owned facilities be \$0.25 for a local call, instead of \$0.35 which is presently charged by Pacific Bell and other independent telephone companies, and that pay telephones be installed at all underground MUNI Metro platforms.

**Description:** The installation and operation of pay telephones located on City-owned and operated property, other than public rights-of-ways, whether indoors or outdoors, is currently regulated under a Space Use Agreement between the City and Pacific Bell. Such pay telephones are regulated by contractual agreements administered by the DTIS. Revenues collected under such DTIS contractual agreements for pay telephones accrue to the City's General Fund.

The deregulation of the pay telephone industry has allowed Pacific Bell and other independent telephone companies to increase the basic rate for a local call from \$0.20 per call to \$0.35 per call. The ability to increase the basic rate for a local call became effective in November of 1997. According to Mario Hill of Pacific Bell, since November 1, 1997, nearly all the pay telephones located in the City have required a deposit of \$0.35 for each local telephone call.

According to Mr. Fred Weiner of DTIS, DTIS is presently in the process of preparing an Invitation for Bid(s) (IFB) to solicit proposals from pay telephone services providers.

The proposed resolution would urge the DTIS to include the requirement in the IFB that the pay telephone service provider charge a rate for local calls placed at pay telephones in City-owned buildings or on City-owned facilities that would not exceed \$0.25 per local call.

**Comments:**

1. Permits issued by DPW regulate the installation and operation of all outdoor pay telephones on public rights-of-way that abut, overhang, or encroach upon public property, including sidewalks and bus shelters. Such permits would not be effected by the proposed resolution.

2. According to Mr. Weiner, the proposed legislation would affect 400 telephones covered by the existing Space Use Agreement between the City and Pacific Bell. Mr. Weiner states that this agreement operates on a month-to-month basis.

3. Under the current agreement, the City receives 17 percent of the total revenue generated by local calls made from the subject 400 telephones. According to Mr. Weiner, the subject telephones generated \$43,994 in revenues for the City from November 1, 1997 to February 28, 1998, at the existing rate of \$0.35 per local call.

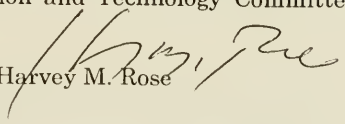
Based on an estimate of 377,092 telephone calls from the subject pay telephones, Mr. Weiner estimates that total City revenues for the period of November 1, 1997 through October 31, 1998 will be \$131,982 at the existing rate of \$0.35 and \$94,273 at the proposed rate of \$0.25 per local call, assuming the City continues receiving 17 percent of gross revenues for local call at the subject telephones. Mr. Weiner states that these figures must be considered with caution because phone use fluctuates by season and the estimates are based on data from a 4-month period.

5. Pacific Bell is in the process of installing one pay telephone at each of the three MUNI Metro platforms that do not currently have pay telephones (Castro Street, Church Street, and Van Ness Avenue).

**Recommendation:**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Memo to Economic Development, Transportation and Technology Committee  
April 7, 1998 Economic Development, Transportation and Technology Committee  
Meeting

  
Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



0 236  
7/98  
CALENDAR Actions Taken

REGULAR MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, APRIL 7, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, GAVIN NEWSOM

ABSENT: SUPERVISOR LESLIE KATZ - ITEMS 1, 3 AND 4

SUPERVISOR GAVIN NEWSOM - ITEM 2

CLERK: GAIL JOHNSON

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APR 9 1998

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1. File 98-0493. [Hold Harmless Agreement] Resolution authorizing the Port of San Francisco to hold the State of California harmless from all claims arising from a lease agreement between the State Lands Commission and the San Francisco Port Commission for maintenance dredging. (Port)

ACTION: Hearing held. Recommended.

2. File 98-0391. [National Historic Preservation Act Local Govt.] Resolution authorizing the Mayor or his/her written designee to execute documents, agreements and memoranda of agreement on behalf of the City and County of San Francisco as a "Certified Local Government" under the National Historic Preservation Act, and ratifying prior acts taken by the City and County as a Certified Local Government. (Mayor Willie L. Brown, Jr.)  
(Consideration continued from 3/17/98)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Mayor's Office, adopted. Further amended. (New Amendment of the Whole prepared in Committee.) Recommended as amended.

3. File 98-0424. [Underground District No. 336] Ordinance creating Underground District No. 336 in the Flint and 16th Street area. (Supervisors Medina, Bierman)

ACTION: Recommended.



4. File 98-0425. [Underground District No. 337] Ordinance creating Underground District No. 337 in the Potomac/Waller area. (Supervisors Medina, Bierman)

ACTION: Recommended.

5. File 98-0150. [Pay Telephone Fees] Resolution urging the Department of Telecommunications and Information Services, in its invitation for bid for pay telephone equipment and local service, include the following requirements: that the rate of pay telephones located in City buildings and on City facilities be twenty-five cents for a local call; and that pay telephones be installed at all underground Muni metro platforms. (Supervisor Newsom)

ACTION: Amendment of the Whole prepared in Committee. Recommended as amended. New title: "[Pay Telephone Bid] Urging the Department of Telecommunications and Information Services to take the following actions: to consider consolidating pay telephones located in City buildings and on City facilities and on City sidewalks into one Invitation for Bids for pay telephone equipment and services; to issue a Request for Qualifications to determine the competitive interest in such an Invitation for Bids; to include the following requirements in its Invitation for Bids: a minimum term of thirty-six months, a rate of twenty-five cents for a local call, the installation of pay telephones at all underground Muni Metro platforms, and posting of a notice discouraging criminal activity at pay telephones."

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0430. [Treasure Island Development Authority] Resolution directing the Treasure Island Development Authority to adopt certain competitive bidding, competitive negotiation and conflict of interest rules; subjecting the appointment of certain members of the Authority to approval and confirmation by the Board of Supervisors; requiring that all contracts in excess of 10 years or one million dollars in revenue be approved by the board of Supervisors; prohibiting gambling on Treasure Island in the event the State Constitution is amended; requiring development on Treasure Island to comply with applicable City zoning and land use laws, subjecting the Authority to the City's Sunshine Ordinance; subjecting proposed contracts by the Authority to the City's non-discrimination and equal benefits ordinance; and acknowledging the applicability of the Tidelands Trust to former tide and submerged lands. (Supervisor Yaki), 30 Day Rule expires on April 15, 1998.

File 98-0448. [Landmarks and Historic Districts] Ordinance amending Planning Code Section 1010, Property Owned by Public Agencies, to exempt Golden Gate Bridge Highway and Transportation District from the requirements of Section 1010. (Supervisor Kaufman), 30-Day Rule expires on April 22, 1998.

Watch future calendars for matters.

APR 23 1998

SAN FRANCISCO  
PUBLIC LIBRARY**CALENDAR** Action Taken**RESCHEDULED MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**TUESDAY, APRIL 21, 1998 - 9:30 A.M.VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ

SUPERVISOR SUE BIERMAN - ITEMS 7 AND 8

ABSENT: SUPERVISOR KATZ - ITEMS 7 AND 8

CLERK: GAIL JOHNSON

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, April 21, 1998, at 10:00 a.m. has been rescheduled to Tuesday, April 21, 1998, at 9:30 a.m.

1. File 98-0512. [Grant - Federal Funds] Resolution authorizing the Director of Public Transportation to accept and expend \$145,797,746 in Federal FTA Section 3 Capital Assistance and \$30,782,000 in Federal Surface Transportation Program funds to acquire light rail vehicles. (Public Transportation Commission)

ACTION: Hearing held. Amended on page 1, line 2, and on page 2, line 8, by deleting "and expend." Further amended at the end of page 3 by adding: "FURTHER RESOLVED, That the Board of Supervisors requests that future Light Rail Vehicles to be purchased by the City with these funds shall be designed and engineered in such a manner that noise and vibration problems that currently exist with Breda Light Rail Vehicles will be mitigated." Recommended as amended. New title: "Authorizing the Director of Public Transportation to accept \$145,797,746 in Federal FTA Section 3 Capital Assistance and \$30,782,000 in Federal Surface Transportation Program funds to acquire light rail vehicles."

2. File 98-0574. [Grant - State Funds] Resolution authorizing the Director of Public Works and the Executive Director of the Department of Parking and Traffic to execute documents necessary to apply for, accept and expend \$575,518 of Transportation Development Act (TDA) Article 3 funds for bicycle and pedestrian projects and waiving indirect costs. (Supervisor Yaki)

ACTION: Hearing held. Recommended.

3. File 98-0560. [Sunol Water Temple Restoration] Resolution concurring with and supporting the Public Utilities Commission's use of the Oakland Museum Conservation Center for conservation services (Sunol Water Temple) and agreement to hold harmless and indemnify the Oakland Museum Conservation Center against all claims and waive subrogation rights. (Public Utilities Commission)

ACTION: Hearing held. Amended on page 1, at the end of line 5, by adding "the Conservator shall be in compliance with Chapter 12B of the Administrative Code (Nondiscrimination in Contracts)." Further amended at the end of page 2 by adding: "FURTHER RESOLVED, That the Board's concurrence is conditioned upon a determination that the Conservator is in compliance with Chapter 12B of the San Francisco Administrative Code (Nondiscrimination in Contracts)." Recommended as amended. New title: "Concurring with and supporting the Public Utilities Commission's use of the Oakland Museum Conservation Center for conservation services (Sunol Water Temple) and agreement to hold harmless and indemnify the Oakland Museum Conservation Center against all claims and waive subrogation rights; the conservator shall be in compliance with Chapter 12B of the Administrative Code (Nondiscrimination in Contracts)."

4. File 98-0562. [Revocable Permit, 22nd-24th Mission/12th Otis Sts.] Resolution granting revocable permission to the San Francisco Art Commission to install works of art in the paving surface of bus bulbs to be constructed by MUNI on the northeasterly and southeasterly sides of Mission Street at 22nd, 23rd, and 24th Streets and at the northwesterly corner of Otis and 12th Streets and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)

ACTION: Hearing held. Recommended.

5. File 98-0609. [Bank of America/Nations Bank Merger] Hearing to consider the Bank of America/Nations Bank merger. (Supervisor Yaki)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

6. File 98-0430. [Treasure Island Development Authority] Resolution directing the Treasure Island Development Authority to adopt certain competitive bidding, competitive negotiation and conflict of interest rules; subjecting the appointment of certain members of the Authority to approval and confirmation by the Board of Supervisors; requiring that all contracts in excess of 10 years or one million dollars in revenue be approved by the Board of Supervisors; prohibiting gambling on Treasure Island in the event the State Constitution is amended; requiring development on Treasure Island to comply with applicable City zoning and land use laws, subjecting the Authority to the City's Sunshine Ordinance; subjecting proposed contracts by the Authority to the City's non-discrimination and equal benefits ordinance; and acknowledging the applicability of the Tidelands Trust to former tide and submerged lands. (Supervisor Yaki)

ACTION: Hearing held. Recommended.

7. File 98-0277. [Signage Change, Army/Cesar Chavez] Hearing to consider the status of implementation of signage change at Army/Cesar Chavez Streets. (Supervisors Ammiano, Bierman)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

8. File 189-97-5. [Cellular Phone Antennae Guidelines] Hearing to consider the guidelines for placement of cellular phone antennae. (Supervisor Bierman)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

SPECIAL ORDER – 10:45 A.M.

9. File 98-0441. [Bandwidth Services] Hearing to consider the status of various providers' efforts to extend service and expand bandwidth in San Francisco. (Supervisor Katz)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0448. [Landmarks and Historic Districts] Ordinance amending Planning Code Section 1010, Property Owned by Public Agencies, to exempt Golden Gate Bridge Highway and Transportation District from the requirements of Section 1010. (Supervisor Kaufman), 30-Day Rule expires on April 22, 1998.

File 98-0517. [Taximeter Reinspection Waiver] Ordinance amending Administrative Code by adding Section 1.15.2 to waive the fee charged for any retesting, reinspection or recertification of taximeters occasioned by a taxicabs rate change adopted by the Board of Supervisors during 1998, subject to conditions. (Supervisor Newsom), 30-Day Rule expires on April 29, 1998.

File 98-0564. [Bicycle Transit Enhancement Plan] Ordinance amending Traffic Code by adding Article 5C to protect integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to Chapter 2 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155.1 to clarify definition and obligations of responsible city official and landlord and deleting obsolete implementation schedule provisions, by adding Section 155.2 to require bicycle parking in City-owned parking facilities and privately owned parking garages and Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; repealing Traffic Code Sections 97 and 99. (Supervisors Katz, Bierman, Medina, Ammiano), 30-Day Rule expires on May 6, 1998.

File 98-0612. [MBE/WBE/LBE Utilization Ordinance - IV] Ordinance amending Administrative Code by amending Chapter 12D (Sections 12D.1 through 12D.20) to establish a new MBE/WBE/LBE Ordinance to (1) remedy identified discrimination against certain MBE/WBES in the City's procurement process as to prime contracting and (2) require City contracting departments to implement MBE/WBE program mandating prime contractors to use good faith efforts to use MBE/WBES when there are subcontracting opportunities in public works and professional service contracts. (Supervisors Brown, Katz, Teng, Medina, Bierman), 30-Day Rule expires on May 13, 1998.

Watch future calendars for matters.



103  
BOARD of SUPERVISORS



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NOTICE OF RESCHEDULED MEETING

ECONOMIC DEVELOPMENT, TRANSPORTATION AND TECHNOLOGY COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, May 5, 1998, at 10:00 a.m., has been rescheduled to Tuesday, May 12, 1998, at 9:30 a.m., in the Legislative Chamber, Room 404, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script that reads "John L. Taylor".  
JOHN L. TAYLOR  
Clerk of the Board

POSTED: APRIL 30, 1998

ECONOMIC DEVELOPMENT, TRANSPORTATION  
& TECHNOLOGY COMMITTEE  
S.F. BOARD OF SUPERVISORS  
401 VAN NESS AVE., ROOM 308  
SAN FRANCISCO, CA 94102

**IMPORTANT  
HEARING NOTICE**

Bill Lynch  
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41 Main Library-Civic Center  
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Govt. Information Center  
MAIN LIBRARY  
CIVIC CENTER  
100 Larkin Street  
DEPARTMENT 41

**AGENDA** *Action  
Taken*

**RESCHEDULED MEETING**  
**ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE**  
**BOARD OF SUPERVISORS**  
**CITY AND COUNTY OF SAN FRANCISCO**

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MAY 14 1998

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TUESDAY, MAY 12, 1998 - 9:30 A.M.

VETERANS BUILDING  
LEGISLATIVE CHAMBER  
401 VAN NESS AVENUE, ROOM 404

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO  
ABSENT: SUPERVISOR MICHAEL YAKI - ITEM 5  
CLERK: GAIL JOHNSON

1. File 98-0590. [Revocable Permit, 470 Florida Street] Resolution granting revocable permission to Project Artaud Corporation to construct an entrance including four (4) risers with handrails, a wheelchair lift with an enclosure, a security grille and a marquee for A Traveling Jewish Theatre at 470 Florida Street (Block 3969, Lot 1) and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)

ACTION: Hearing held. Recommended.

2. File 98-0592. [PTC Agreement, Transit Passes and Tickets] Resolution authorizing an indemnity provision in agreements between the City's Public Transportation Commission and Bay Area Public Transit Operators for delivery and sale of transit passes and tickets. (Public Transportation Commission)

ACTION: Hearing held. Amended on page 1, line 2, after "authorizing," and on page 2, line 5, after "authorizes," by adding "retroactively." Recommended as amended. New title: "Authorizing, retroactively, an indemnity provision in agreements between the City's Public Transportation Commission and Bay Area Public Transit Operators for delivery and sale of transit passes and tickets."

3. File 98-0191. [Power Plants] Hearing to consider the ramifications of a change in ownership of the Hunters Point and Potrero power plants. (Supervisor Bierman)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

4. File 97-97-57. [Motor Fuel Prices] Ordinance amending Administrative Code by adding Chapter 80, Sections 80.1 through 80.9 to require refiners of motor fuels to divorce company-owned service stations in the City and County of San Francisco, to preclude refiners from owning service stations in San Francisco in the future, and barring discrimination by refiners in the wholesale prices charged to service stations in San Francisco. (Supervisors Yaki, Leal, Brown, Bierman)

**ACTION:** Hearing held. Amendment of the Whole bearing same title prepared in Committee. Recommended as amended.

5. File 98-0127. [Muni Quality Management Program] Hearing to consider implementation of quality management program for the San Francisco Municipal Railway which would be incorporated into the State mandated annual safety training day and would include training in, but not limited to these areas: customer service, disability awareness, hate crimes and the free ride card. (Supervisor Newsom)

**ACTION:** Hearing held. Consideration continued to the Call of the Chair.

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0612. [MBE/WBE/LBE Utilization Ordinance – IV] Ordinance amending Administrative Code by amending Chapter 12D (Sections 12D.1 through 12D.20) to establish a new MBE/WBE/LBE Ordinance to (1) remedy identified discrimination against certain MBE/WBES in the City's procurement process as to prime contracting and (2) require City contracting departments to implement MBE/WBE program mandating prime contractors to use good faith efforts to use MBE/WBES when there are subcontracting opportunities in public works and professional service contracts. (Supervisors Brown, Katz, Teng, Medina, Bierman), 30-Day Rule expires on May 13, 1998.

File 98-0663. [First Source Ordinance] Ordinance amending Administrative Code by adding Chapter 83, Sections 83.1 through 83.18, to establish specific requirements, procedures and monitoring for first source hiring of qualified economically disadvantaged individuals for entry level positions, applicable to city contracts, city property contracts and building permits and planning approvals for commercial development projects. (Supervisor Yaki), 30-Day Rule expires on May 27, 1998.

File 98-0702. [Moderate-Scale Neighborhood Commercial District] Ordinance amending Planning Code by adding a special provision to Section 712.38 and amending the associated chart set forth in Section 712 to authorize the change in occupancy of a vacant residential use to an other institution, large, use operated by a non-profit corporation on the third floor and above of buildings in the moderate-scale neighborhood commercial district as a conditional use under certain specified circumstances; adopting findings pursuant to Section 101.1. (Supervisors Katz, Leno, Ammiano, Bierman), 30-Day Rule expires on June 3, 1998.

Watch future calendars for matters.



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Attn: Kate Wingerson

CITY AND COUNTY



OF SAN FRANCISCO

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

May 15, 1998

**TO:** Economic Development, Transportation and Technology  
Committee

**FROM:** Budget Analyst *Recommendations for meeting of*

**SUBJECT:** May 19, 1998 Economic Development, Transportation and  
Technology Committee Meeting

Item 1 - File 98-699

**Department:** Department of Public Works (DPW)  
Fire Department (SFFD)

**Item:** Hearing to consider the release of \$778,114 (incorrectly cited as \$778,714 in the letter requesting release of reserve and, accordingly, on the Finance Committee calendar of May 20, 1998) in reserved funds for a construction project at Fire Station No. 19 located at 390 Buckingham Way.

**Amount:** \$778,714

**Source of Funds:** State Office of Emergency Services (OES) on behalf of the Federal Emergency Management Agency (FEMA)

**Description:** In March of 1990, the Board of Supervisors adopted the City's Hazard Mitigation Plan (File 270-90-7) for submission to the State OES, which was the first step necessary for the City to become eligible for FEMA grant funds to mitigate seismic deficiencies and hazardous

materials at City fire stations, pump stations, and emergency power supply sites. FEMA funds were made available to the ten counties in the Loma Prieta Earthquake disaster area to reduce or eliminate threats to public safety due to a future disaster. In October of 1990, the Board of Supervisors authorized the then Chief Administrative Officer (CAO) (now the City Administrator) to apply for \$55 million of various FEMA grants through the State OES relating to Hazard Mitigation (File 133-90-2).

In November of 1997, the Board of Supervisors authorized the Department of Public Works (DPW) to retroactively accept and expend grant funding in the amount of \$6,216,434 for 11 Hazard Mitigation Projects on a cost-reimbursement basis from the State OES, and placed \$4,196,840 on reserve pending selection of contractors and submission of cost details. The amount of funds still on reserve totals \$3,134,099, including this request of \$778,114 for renovation work at Fire Station No. 19.

The total project cost for Fire Station No. 19 is \$1,793,000. DPW is now requesting release of the \$778,114 in FEMA grant funds to serve as a partial funding source for the renovation work at Fire Station No. 19. The project work includes seismic upgrades, hazardous material abatement, increased accessibility to public areas, separate facilities for female firefighters, and mechanical and electrical improvements.

The low bidder for the construction contract in the amount of \$1,016,000 is MH Construction Management Co., as shown in Attachment I provided by DPW.

Attachment II, provided by DPW, lists the subcontractors to MH Construction Management Co. that will be working on the construction contract.

**Budget:**

Attachment III, provided by DPW, is a project budget, totaling \$1,837,000, which contains the expenditure details for the Fire Station No. 19 Project, as well as all project funding sources, which includes this subject request of \$778,114. As indicated in Attachment III, the \$1,837,000 in project costs have been revised downward

Memo to Economic Development, Transportation & Technology Committee  
May 19, 1998, Economic Development, Transportation & Technology Meeting

to \$1,793,000, and the \$778,114 in cost-reimbursement funds would allow the Fire Department to allocate the reimbursed cost to the SFFD Bond Program Contingency for other projects.

**Comment:** According to Mr. Peter Wong of DPW, the construction work commenced on May 11, 1998. The overall estimated project completion date is March of 1999.

**Recommendation:** Approve the release of funds in the requested amount of \$778,114.



City and County of San Francisco  
Department of Public Works  
**TABULATION OF BIDS**

EC NO.: 5438A

LE: SFFD Station No. 19  
Renovation  
390 Buckingham Way

DS RECEIVED: January 7, 1998

BIDERS:

M H Construction Management Co.  
Alpha Bay Builders, Inc.  
Kin Yfo Construction, Inc.  
Chiang, C M Construction Co., Inc.  
C H General Contractors  
L C General Engineering & Const. Inc.  
M L S Construction  
A R Construction Co.

	Base Bid
MBE/LBE	1,016,000
MBE/LBE	1,040,000
MBE/LBE/WBE	1,067,200
MBE/LBE	1,084,922
MBE/LBE	1,090,000
MBE/LBE	1,104,400
MBE/LBE	1,121,410
MBE/LBE	1,235,000
Average Bid:	1,094,867
Architect's Estimate:	1,190,000
% of Architect's Estimate:	92%

PARENT LOW BIDDER:

M H Construction Management Co.  
1418 Yosemite Avenue  
San Francisco, CA 94124  
Tel (415) 822-8891

BID CONTRACTORS:

E & H Electric	163,000	United Calif.	Steel Windows	42,000
D & S Associates	57,500	Linoleum Larry's	Flooring	27,385
Stuckert Heating	70,000	R P Coating	Epoxy Coating	6,270
Dees Hennessey	11,700	CWS	Sawcut/Demo	49,000
J C Metal	33,000	Shepard Steel	Re-Bar	12,477
Pioneer Roofing	39,520	Priority	Signage	1,600
Byron Epp Inc.	73,150			
Peter Wong		DPW Accounting	Helen Liu	
Mark Primeau		Maurice Williams	All bidders	
Veronica Ng		Bill Webb		

Job No.: 5438A  
**SFFD STATION 19 RENOVATION**

Work Scope: Seismic upgrades, hazardous material abatement, increased accessibility to public areas, separate facilities for female firefighters, mechanical and electrical improvements.

**CONSTRUCTION CONTRACT COST BREAKDOWN**

**ITEM 1. CONSTRUCTION CONTRACT(BASE BID)**

<u>Prime Contractor MBE/LBE (66.90% of Base Bid)</u>		
MH Construction Management Co., General Contractor		\$879,880
<u>Subcontractors MBE (28.80% of Base Bid)</u>		
D & S Associates (Plumbing)	57,000	
E & H Electrical	163,000	
JC Metal (Steel)	33,000	
Pioneer Roofing	<u>39,520</u>	
		292,520
<u>Subcontractors WBE (4.30% of Base Bid)</u>		
Priority Architectural (Signage)	1,600	
United California Glass (Glazing)	<u>42,000</u>	
		<u>43,600</u>
Subtotal (ITEM 1): Base bid construction contract:		\$1,016,000

**ITEM 2: FUNDING SOURCE:**

FEMA Hazard Mitigation Grant Reserve	778,714	Total This Request
Approved Fund	<u>237,286</u>	
	\$1,016,000	

DEPARTMENT OF PUBLIC WORKS  
HAZARD MITIGATION GRANT

PROJECT: RENOVATION OF FIRE STATION #19

PROJECT MANAGER: PETER WONG - 557-4657

PROJECT DESCRIPTION: SEISMIC UPGRADE, DISABLED ACCESS, HAZARDOUS MATERIAL ABATEMENT AND GENERAL IMPROVEMENT.

GRANT AWARD: \$778,114.00

LOCAL MATCH: \$1,058,886.00 1992 PROP C FIRE DEPT BOND PROGRAM

TOTAL BUDGET: \$1,837,000.00

STATUS OF THE GRANT: STARTED 12/98 AND ESTIMATED COMPLETION DATE 4/00.  
CONSTRUCTION DOCUMENTS COMPLETED. ADVERTISING BIDS IN  
LATE NOVEMBER, 1997.

FUNDING SOURCE: \$1,178,000.00 1992 FIRE BOND CONSTRUCTION RESERVED FUND  
\$ 661,000.00 1992 FIRE BOND APPROVED FUND  
\$1,837,000.00 TOTAL PROJECT BUDGET

\$778,114 MAXIMUM APPROVED FEMA HAZARD MITIGATION GRANT IS ELIGIBLE & MAY BE  
SUBJECT TO REIMBURSEMENT. SHOULD BE ELIGIBLE COST BE REIMBURSED, SFFD WILL ALLO-  
CATE THE REIMBURSED COST TO THE SFFD BOND PROGRAM CONTINGENCY FOR OTHER  
PROJECTS.

EXPENDITURE PLAN:	CONSTRUCTION, PURCHASES & INSTALLATION	
	CONSTRUCTION	1,060,000.00 *
	CONSTRUCTION CONTINGENCY	124,000.00
	HAZARDOUS WASTE ABATEMENT	73,600.00
	SUB-TOTAL	1,257,600.00
	CITY STAFF COST	
	ARCHITECTURAL & ENGINEERING DESIGN	272,700.00
	CONSTRUCTION MANAGEMENT	98,600.00
	A/E CONSTRUCTION SERVICES	44,000.00
	GEOTECH, SURVEYS & DATA	27,600.00
	ADDITIONAL A/E SERVICES	76,200.00
	PROJECT MANAGEMENT	24,000.00
	REG. AGENCY APPROVALS (DBI, CITY PLANNING, ETC.)	24,600.00
	CITY ADMIN SVCS (REAL ESTATE, STATE ARCH. GRANT)	13,000.00
	SUB-TOTAL	208,300.00
	TOTAL PROJECT COST	<u>1,837,000.00 **</u>

\* Actual construction contract cost is \$1,016,000.

\*\* Current total project cost is \$1,793,000 due to  
the lower than projected construction contract cost.

Item 2 – File 98-698

**Department:** Public Utilities Commission (PUC)

**Item:** Resolution accepting streetlights and poles as a gift to light the Vallejo Crest, located on Vallejo Street between Jones and Taylor Streets.

**Description:** Approval of the proposed resolution would accept 15 streetlights and poles as a gift from a group of residents of the historically designated area known as Vallejo Crest, defined as Vallejo Street between Jones and Taylor Streets.

The subject streetlight fixtures, purchased by the residents, have been deemed to be historically consistent by the General Manager of Hetch Hetchy Water and Power and the Manager of the Bureau of Light, Heat and Power. The streetlight fixtures also meet the requirements of all applicable City and State standards.

In addition to the gift of the 15 streetlights and poles, the residents of Vallejo Crest area will pay for all costs associated with the installation of such streetlights as part of the Historic Vallejo Street Lighting Project. According to the proposed legislation, the value of the total gift is estimated to be \$35,000.

**Comments:** 1. According to Ms. Romaine Boldridge of the PUC, 14 of the 15 subject gift streetlight fixtures will be installed on Vallejo Street between Jones and Taylor Streets. The one remaining gifted streetlight will be used as a spare. The subject streetlights will replace the streetlights that currently exist on Vallejo Street between Jones and Taylor Streets.

2. Ms. Boldridge reports that the annual maintenance cost of the subject streetlight fixtures would be approximately equal to the ongoing maintenance costs of the existing streetlight fixtures, and would be funded with annual PUC budgeted maintenance funds.

**Recommendation:** Approve the proposed resolution.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Item 3 - File 98-701

**Item:** Ordinance amending the San Francisco Administrative Code by adding Section 12D.2-5 and by amending Sections 12D.9(A), 12d.10(A), 12D.11(A), 12D.11(A)-(1) and 12D.15(G) to set forth findings supporting a two-month extension of the Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise (MBE/WBE/LBE) Ordinance-III and providing for a two-month extension.

**Description:** The proposed ordinance would extend the MBE/WBE/LBE Ordinance III, which is scheduled to expire June 30, 1998, for an additional two months, until August 31, 1998. The MBE/WBE/LBE Ordinance III, which became effective July 1, 1992, provides bid preferences to LBE, MBE and WBE firms bidding on contracts with the City, and provides for City-wide goals for MBEs and WBEs by industry. According to Section 12D.3 of the Administrative Code, the goals of the MBE/WBE/LBE Ordinance III are:

(1) to correct identified discriminatory practices inherent in the City's procurement process and in the award of prime contracts to MBE/WBE contractors;

(2) to develop the status and capability of MBE/WBE contractors as prime contractors of the City; and

(3) to offset some of the economic disadvantages which local businesses continue to face and which are not shared by non-local businesses. As stated in the Ordinance, the cost of locating and doing business in San Francisco continues to be as much as 15 percent and greater than the cost of doing business in the surrounding communities.

The purpose of the proposed two-month extension is to allow the Board of Supervisors, with the assistance of the Human Rights Commission and the City Attorney, to (1) complete the compilation and analysis of the data sufficient to ascertain whether a strong basis in evidence exists for concluding that the purposes identified in Section 12D.3 (enumerated above) have not been achieved, and (2) receive comment on proposed legislative changes, if any, to the Ordinance in light of the findings set forth in the final Disparity Study. The Disparity Study is designed to determine whether the three purposes of



the MBE/WBE/LBE Ordinance III, listed above, have been achieved.

The MBE/WBE/LBE Ordinance III was originally scheduled to expire June 30, 1997. The Board of Supervisors extended the Ordinance six months, until December 31, 1997. This extension was to allow for the completion of the Disparity Study (Ordinance 210-97). Subsequently, the Board of Supervisors extended the ordinance for two additional three-month periods (through March 31, 1998, and then through June 30, 1998) to allow (1) the San Francisco International Airport to provide comprehensive contracting data on its minority, women and local business participation for calendar years 1992 through 1995, and (2) to collect, analyze, and report on contracting data for calendar years 1996 and 1997.

However, according to Ms. Zula Jones of the Human Rights Commission, additional time is needed to complete the Disparity Study to ensure the comprehensiveness of the subcontracting data regarding the participation of local minority and women businesses and therefore this proposed amendment would extend the MBE/WBE/LBE Ordinance III by two additional months, through August 31, 1998.

**Comment:**

Ms. Jones reports that the process of verifying the accuracy of utilization data reported for minority and women subcontractors requires that an in-house study be performed to determine the actual amounts paid to such subcontractors. Ms. Jones states that the in-house study will be completed during the proposed two-month extension at no additional incremental costs to the City. Ms. Maravic Bamba, Director of the Human Rights Commission, has stated that the results of this in-house study will be incorporated into the overall final Disparity Study.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Memo to Economic Development, Transportation and Technology Committee  
May 19, 1998 Economic Development, Transportation and Technology Committee  
Meeting

Items 6 and 7 – Files 98-334 and 98-517

**Items:** The proposed ordinances would a) amend the Police Code to increase taxicab fare rates and to modify the procedure for setting future taxicab fare rates (File 98-334); and, b) amend the Administrative Code to waive the fee charged by the County Agriculture/Weights and Measures Department for any retesting, reinspection or recertification of taximeters occasioned by a taxicab rate change adopted by the Board of Supervisors during 1998. (File 95-517)

**Description:** 1. The first proposed ordinance (File 98-334) would amend Sections 1135 and 1137 of the Police Code to increase taxicab fare rates. The proposed fare increases are based on recommendations of the Mayor's Taxi Task Force, which issued its report on April 21, 1998. The Mayor's Taxi Task Force consists of the Mayor as Chair, a member of the Board of Supervisors as Co-Chair, and 27 members appointed by the Mayor representing the Taxicab companies, Taxicab Drivers Association, Taxicab Drivers, private businesses, the San Francisco Police Department, the City Attorney's Office, the Department of Parking and Traffic, the Muni, and the San Francisco International Airport.

The table below shows the current taxicab fare rates and the proposed increases to two elements of the fare structure, the fare for the first one sixth of a mile (known as the "flag") and the fare for each minute of wait time or minute of traffic delay time.

<u>Fare Element</u>	<u>Current Rates</u>	<u>Proposed Rates</u>	<u>Increases</u>	<u>Percent Increase</u>
First one sixth of a mile ("flag")	\$ 1.70	\$ 2.50	\$ 0.80	47.1%
Each additional sixth of a mile or fraction thereof	\$ 0.30	\$ 0.30	-	0.0%
Each one minute of waiting time or traffic delay time	\$ 0.30	\$ 0.40	\$ 0.10	33.3%

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

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As shown in the table above, there is no proposed fare increase for each additional sixth of a mile, which is \$0.30 per one sixth of a mile or \$1.80 per mile, after the initial "flag". The table below illustrates the increased cost to taxicab users based on the proposed taxicab fare rate increases using a variety of scenarios involving combinations of trip distance and wait or traffic delay time.

<u>Scenario</u>	<u>Current Rates</u>	<u>Proposed Rates</u>	<u>Increases</u>	<u>Percent Increase</u>
Five Mile Trip - no wait/delay	\$ 10.40	\$ 11.20	\$ 0.80	7.7%
Five Mile Trip; five minutes of wait/delay time	\$ 11.90	\$ 13.20	\$ 1.30	10.9%
Ten Mile Trip - no wait/delay	\$ 19.40	\$ 20.20	\$ 0.80	4.1%
Ten Mile Trip - 10 minutes of wait/delay time	\$ 22.40	\$ 24.20	\$ 1.80	8.0%
Twenty Mile Trip - no wait/delay	\$ 37.40	\$ 38.20	\$ 0.80	2.1%
Twenty Mile Trip - 20 minutes of wait/delay time	\$ 43.40	\$ 46.20	\$ 2.80	6.5%

According to the Mayor's Taxi Task Force report, taxicab fares have not been increased since the fall of 1991. Between September 1991 and February 1998 (the latest data available), the San Francisco-Oakland-San Jose Consumer Price Index (CPI) has increased by 16.8 percent. This growth over a six and one half year period is equivalent to a compounded rate of increase of 2.42 percent annually.

2. Section 1137 of the Police Code currently states that taxicab fare rates shall be reviewed by the Board of Supervisors between September 1<sup>st</sup> and December 1<sup>st</sup> of each year. The proposed ordinance would add language that would state that such reviews by the Board of Supervisors would occur in odd numbered years,

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

beginning in 1999. In addition, language would be added stating that not later than August 1<sup>st</sup> of each odd-numbered year, the Controller shall transmit to the Board of Supervisors a recommendation for increases or decreases in taxicab fare rates based upon changes in the Consumer Price Index since the prior review of rates.

3. The second proposed ordinance (File 98-517) would waive the fee charged for any retesting, reinspection or recertification of taximeters occasioned by a taxicab fare rate change adopted by the Board of Supervisors during 1998. The fee waiver would only apply to taximeters that pass reinspection. If a taximeter fails reinspection, it would be subject to both a reinspection fee and potential fine.

All taximeters are required to be tested, inspected and certified on an annual basis by the Department of Agriculture/Weights and Measures. Such testing must be conducted and certified by January 1 of each year. The fee for each inspection is \$40. When a taximeter is certified, it is sealed by a Weights and Measures Inspector. Should the seal be broken prior to its next annual inspection, reinspection and recertification is required. If a taxi fare rate increase is approved through adoption of the proposed ordinance in accordance with File 98-334, every taximeter seal must be broken to adjust the meters and each meter will need to be reinspected and recertified, thus necessitating two inspections, and the payment of two inspection fees in 1998.

According to the Mayor's Taxi Task Force report, there are presently 981 authorized taxicabs in San Francisco and. Taxi companies are also permitted a reserve fleet of 195 vehicles for a total of 1,176 total taxicabs. At \$40 per meter, the total revenues that would be waived if this proposed ordinance is approved would amount to \$47,040.

Memo to Economic Development, Transportation and Technology Committee  
May 19, 1998 Economic Development, Transportation and Technology Committee  
Meeting

**Comment:** The Mayor's Taxi Task Force also recommended an increase of 300 taxi medallions<sup>1</sup>, including 50 "Ramp Taxi" (wheelchair accessible van) medallions, from the present number of 981 medallions to a total of 1,281 medallions. On April 27, 1998, a Police Commission hearing officer conducted a hearing on the public interest and necessity of increasing the number of taxi medallions. According to Officer Ferrell Suslow, Officer in Charge of Taxicab Permits for the SFPD, the Police Commission is expected to vote on a proposal to increase the number of taxi medallions, by as many as 300, in approximately six to eight weeks.

**Recommendation:** Approval of the two proposed ordinances is a policy matter for the Board of Supervisors.

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<sup>1</sup> According to the Mayor's Taxi Task Force report, a medallion is a numbered metal plate issued by the Police Department which confers the right to operate a vehicle as a taxicab. The number of available medallions is regulated by the Police Commission with opportunity for public comment regarding the number necessary to serve the "public convenience and necessity".

Item 8 - File 98-678

**Department:** Department of Building Inspection (DBI)

**Item:** Resolution directing the Director of DBI to require Sutro Tower, Inc. (STI) to perform a full dynamic analysis of Sutro Tower and report the results to the Board of Supervisors before construction of any additional structures to the Tower.

**Description:** According to Mr. David Serrano Sewell of DBI, STI is the consortium of four local television stations<sup>1</sup> that sponsored the original construction of Sutro Tower in 1966. STI has applied for a building permit to add 10 digital television (DTV) antennas to Sutro Tower in order to comply with a Federal Communications Commission (FCC) requirement. The antennas would be attached to a 125-foot, 19,500-pound steel beam, the top portion of which would be connected to Sutro Tower at a height of 755 feet.<sup>2</sup> According to Mr. Sewell, as a response to public concerns regarding the stability of such an addition to Sutro Tower in the event of an earthquake, the proposed resolution would direct DBI to require STI to study the issue further. Such a study is referred to as a "full dynamic analysis."

**Comments:** 1. As mentioned above, the proposed resolution directs the Director of DBI to require STI to perform a full dynamic analysis of Sutro Tower before addition of any structures to the Tower. According to Mr. Sewell, all costs associated with the performance and review of the analysis would be paid for by STI. The total costs include an estimated \$85,000 to \$130,000 to produce the analysis, as well as an estimated \$11,360 in personnel and other expenses incurred in DBI's review of the analysis. Specifically, according to Mr. Sewell, DBI staff members would spend an estimated 160 hours reviewing the completed analysis, at a total estimated cost of \$11,360 based on \$71 per hour. According to Mr. Sewell, this total cost would cover the staff time of two DBI structural engineers as well as overhead and indirect expenses.

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<sup>1</sup> Specifically, the consortium members include KTVU (Channel 2, the local Fox affiliate), KRON (Channel 4, the local NBC affiliate), KPIX (Channel 5, the local CBS affiliate), and KGO (Channel 7, the local ABC affiliate).

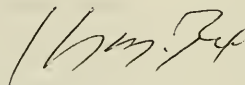
<sup>2</sup> According to the Environmental Impact Report (EIR) prepared for the project by the Planning Department, Sutro Tower is a 977-foot tall steel structure that weighs 3,000,000 pounds.

Memo to Economic Development, Transportation, and Technology Committee  
May 19, 1998 Economic Development, Trans., and Tech. Committee Meeting

2. According to information contained in the EIR, addition of the 10 DTV antennas to Sutro Tower would provide digital broadcast signals for the 10 television stations that currently maintain non-digital antennas on Sutro Tower. According to the EIR, this work would enable STI to comply with a FCC mandate requiring all broadcast television stations in the country to implement digital signal broadcasting. The current FCC-imposed deadline for beginning DTV signal broadcasts is May of 1999.

3. According to Mr. Sewell, completion of the full dynamic analysis for Sutro Tower is expected to take from three to six weeks.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



A G E N D A

Act 1

7/2/98

REGULAR MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

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TUESDAY, MAY 19, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO  
ABSENT: SUPERVISOR LESLIE KATZ - ITEMS 8 AND 9 (ABSENT FOR VOTE)  
SUPERVISOR MARK LENO - ITEM 4  
CLERK: GAIL JOHNSON

1. File 98-0699. [Reserved Funds, Department of Public Works] Hearing to consider release of reserved funds, Department of Public Works (State Hazard Mitigation Grant, Resolution No. 1026-97), in the amount of \$778,714, for the purpose of funding the construction contract for Fire Station No. 19 renovation. (Department of Public Works)

ACTION: Hearing held. Release of \$778, 114 approved. Filed.

2. File 98-0698. [Gift Acceptance, Public Utilities Commission] Resolution accepting fifteen (15) streetlights and poles (estimated at \$35,000) as a gift to light the Vallejo Crest. (Public Utilities Commission)

ACTION: Hearing held. Recommended.

3. File 98-0701. [MBE/WBE/LBE Utilization Ordinance III] Ordinance amending Administrative Code by adding Section 12D.2-5 and by amending Sections 12D.9(A), 12D.10(A), 12D.11(A), 12D.11(A)-(1) and 12D.15(G) to set forth findings supporting a two-month extension of the MBE/WBE/LBE Ordinance - III and providing for the two-month extension. (Supervisors Brown, Bierman)

ACTION: Hearing held. Recommended.

4. File 98-0677. [Tobacco Paraphernalia Interim Zoning Control] Resolution extending Interim Zoning Controls for an additional six month period to prohibit temporarily the establishment of new enterprises that sell tobacco paraphernalia and making findings of consistency with the priority policies of Planning Code Section 101.1. (Supervisor Bierman)

ACTION: Hearing held. Recommended.



5. File 98-0645. [Tree Removal, Folsom Street] Hearing to consider the Department of Public Works' proposed tree removal on Folsom Street, between Third and Fourth Streets. (Supervisor Katz)

ACTION: Hearing held. Filed.

6. File 98-0334. [Taxicab Fare Rate Increase] Ordinance amending Police Code Sections 1135 and 1137 to increase the rates of fare for taxicabs and to modify the procedure for setting rates of fare. (Supervisor Newsom)

ACTION: Hearing held. Amended on page 1, line 5, after "fare," by adding "and establishing an effective date." Further amended on page 3, by adding the following:

"Section 3. This ordinance shall only take effect upon such date as the Police Commission issues an additional taxicab permit or permits beyond the 981 permits currently issued, and the Board of Supervisors adopts and the Mayor signs legislation setting a cap on taxicab gate fees, such as contained in File 98-0761, whichever is later."

Recommended as amended. New title: "Amending Police Code Sections 1135 and 1137 to increase the rates of fare for taxicabs and to modify the procedure for setting rates of fare; and establishing an effective date."

7. File 98-0517. [Taximeter Reinspection Waiver] Ordinance amending Administrative Code by adding Section 1.15.2 to waive the fee charged for any retesting, reinspection or recertification of taximeters occasioned by a taxicab rate change adopted by the Board of Supervisors during 1998, subject to conditions. (Supervisor Newsom)

ACTION: Hearing held. Recommended.

8. File 98-0678. [Sutro Tower Dynamic Analysis] Resolution directing the Director of the Department of Building Inspection to require Sutro Tower, Inc. to perform a full dynamic analysis of Sutro Tower and report the results to the Board of Supervisors before construction of any additional structures to the tower. (Supervisors Bierman, Ammiano, Yee)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

9. File 98-0470. [Sutro Tower Addition] Hearing to consider the recommendations of the Structural Advisory Committee with respect to their analysis of the environmental impact report for an addition to Sutro Tower. (Supervisor Bierman)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0663. [First Source Ordinance] Ordinance amending Administrative Code by adding Chapter 83, Sections 83.1 through 83.18, to establish specific requirements, procedures and monitoring for first source hiring of qualified economically disadvantaged individuals for entry level positions, applicable to city contracts, city property contracts and building permits and planning approvals for commercial development projects. (Supervisor Yaki), 30-Day Rule expires on May 27, 1998.

File 98-0702. [Moderate-Scale Neighborhood Commercial District] Ordinance amending Planning Code by adding a special provision to Section 712.38 and amending the associated chart set forth in Section 712 to authorize the change in occupancy of a vacant residential use to an other institution, large, use operated by a non-profit corporation on the third floor and above of buildings in the moderate-scale neighborhood commercial district as a conditional use under certain specified circumstances; adopting findings pursuant to Section 101.1. (Supervisors Katz, Leno, Ammiano, Bierman), 30-Day Rule expires on June 3, 1998.

File 98-0761. [Taxicab Gate Fees] Ordinance amending Police Code by adding Section 1135.1, setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance (twenty-four months after the effective date of the section). (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0762. [Curb Parking, Commercial Vehicles] Ordinance amending Traffic Code Section 54, prohibiting curb parking for commercial vehicles. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0763. [Loading Zone Violation Penalty Fine Increase] Resolution increasing the penalty for violating Traffic Code Sections 33.3 (Special Truck Loading Zones), 33.3.2 (Truck Loading Zones in Parking Bays along Market Street), 38.B (Yellow Zones – Metropolitan Traffic District) and 38.B.1 (Yellow Zones – Outside Metropolitan Traffic District) from \$30, \$25, \$23, and \$25, respectively, to \$100; companion measure to File 98-0762. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0764. [Double Parking Regulation and Fine] Ordinance amending Traffic Code by adding Section 53, regarding double parking. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 000-98-0765. [Double Parking Violation Penalty Increase] Resolution increasing the penalty for violations of Traffic Code Section 53 (double parking) from \$50 to \$100; companion to File 98-0764. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

Watch future calendars for matters.



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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

May 29, 1998

**TO:** Economic Development, Transportation & Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** June 2, 1998 Economic Development, Transportation & Technology Committee Meeting

Items 1 and 3 – Files 98-822 and 98-821

**Department:** Port of San Francisco

**Item:** **Item 1, File 98-822:** Resolution authorizing the Executive Director of the Port to accept and expend \$500,000 in State funds from the State Coastal Conservancy to partially fund the Pier 98 Wetlands and Public Access Enhancement Project and foregoing reimbursement of indirect costs; and authorizing the Port to hold the State of California harmless as required in the grant agreement.

**Item 3, File 98-821:** Ordinance waiving competitive bid requirements for the Port Commission's award of contracts to the California Conservation Corps, the San Francisco Conservation Corps, and the San Francisco League of Urban Gardeners for performance of wetlands enhancement and public access activities at Pier 98.

**Grant Amount:** \$500,000

**Grant Period:** July 1, 1998 through June 30, 1999 subject to the date of approval of this resolution (98-822).

<b>Source of Funds:</b>	\$500,000	Subject grant from the California State Coastal Conservancy (FY 97-98)
	47,000	A grant awarded February 17, 1998 by Association Bay Area Governments (ABAG) Bay Trail Regional Development Program (See Item 2, File 98-823 of this report to the Economic Development, Transportation & Technology Committee.)
	463,960	Port Capital Improvement monies approved in the Port's FY 1997-98 budget
	<u>1,000,000</u>	Funds previously approved by the Public Utilities Commission FY 1997-98 budget
	\$2,010,960	Project Total

**Description:**

The proposed resolution (File 98-822) would authorize the Port to accept and expend a \$500,000 grant from the State Coastal Conservancy to partially fund the Pier 98 Wetlands and Public Access Enhancement Project. The Pier 98 Wetlands and Public Access Enhancement Project will include enhancement of existing wetlands, creation of new tidal salt marsh, and improvements to public access at Pier 98, including trails, and picnic, fishing, and viewing areas.

The proposed ordinance (File 98-821) waives the competitive bidding requirements for the Port Commission's award of a \$49,000 contract to the California Conservation Corps, a \$49,000 contract to the San Francisco Conservation Corps (SFCC), and a \$98,000 contract to the San Francisco League of Urban Gardeners (SLUG) for the performance of wetlands enhancement and public access activities at Pier 98. A description of these three contracts is contained in Attachment I, provided by the Port.

**Budget:** A summary budget for the Pier 98 Wetlands and Public Access Enhancement Project is as follows:

\$586,490	Wetlands Enhancement and Construction
556,450	Native Plant Landscaping
530,140	Landfill Closure
<u>337,880</u>	Public Access Improvements
\$2,010,960	Project Total

Attachment II to this report, provided by the Port, includes a supporting budget for the Project.

**Required Match:** Although the State Coastal Conservancy does not have a minimum match requirement for this \$500,000 grant, the Port is contributing \$388,250 out of previously appropriated Harbor Operating Funds towards the total project costs. (See Item 2, File 98-823 of this report to the Economic Development, Transportation & Technology Committee.

**Indirect Costs:** The proposed resolution provides for a waiver of indirect costs because the granting agency does not allow such costs.

**Comments:** 1. According to Ms. Veronica Sanchez of the Port, Pier 98 is currently unimproved open space. There are 25 acres in total, of which three are currently wetlands. The Wetland and Public Access Enhancement Project will improve the existing three acres of wetlands and create five additional acres of wetlands. Improvements in public access will include a gate and bike rack at the entrance and crushed gravel trails accessible to pedestrians and mountain bikes.

2. According to Ms. Sanchez, the reason that the Port is requesting a waiver of the competitive bidding requirements for the \$49,000 contract to the California Conservation Corps, the \$49,000 contract to the San Francisco Conservation Corps, and the \$98,000 contract to the San Francisco League of Urban Gardeners is because (1) ABAG requires that a contract be awarded to the California Conservation Corps as part of the grant

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



agreement, and (2) the development of disadvantaged individuals who work for the California Conservation Corps, the San Francisco Conservation Corps, and the San Francisco League of Urban Gardeners will best serve the public interest by having a significant positive impact on the economic health of the City.

3. According to Ms. Sanchez, a construction contract for the remainder of the project, at an estimated cost of \$1,814,960, (total project costs \$2,010,960 less \$196,000 in the total contract amounts designated for the California Conservation Corps, the San Francisco Conservation Corps, and the San Francisco League of Urban Gardeners) will be put out to competitive bid.

4. The Port has prepared a Disability Access Checklist for the proposed grant program, which is on file with the Clerk of the Board.

5. According to Ms. Noreen Ambrose, from the City Attorney's Office, the hold harmless provisions in the contract with the State Coastal Conservancy are a condition of the grant funding.

**Recommendation:** Approval the proposed resolution is a policy matter for the Board of Supervisors.



Fax Note 7671	Date	Pages 1
Rachel Aberbach	From Carol Bach	
pt.	Co. Port	
#	Phone # 274-0568	
252-0461	Fax # 274-0586	

PORT OF SAN FRANCISCO



Ferry Building  
San Francisco, CA 94111  
Telephone 415 274 0400  
Telex 275940 PSF UR  
Fax 415 274 0528  
Cable SFPORTCOMM  
Writer

**MEMORANDUM**

TO: Rachel Aberbach  
Budget Analyst, Board of Supervisors

DATE: May 28, 1998

FROM: Carol Bach  
Project Manager, Port

SUBJECT: Contracts for San Francisco Bay Trail Project at Pier 98

The Port proposes to enter into the following three contracts to develop the San Francisco Bay Trail at Pier 98 using grant funds from the Association of Bay Area Governments and matching funds from the Port:

<u>Contractor</u>	<u>Amount</u>	<u>Scope of Work</u>
California Conservation Corps	\$49,000	Install landscaping, construct trails, maintain trails and landscaping
San Francisco Conservation Corps	\$49,000	Install landscaping, construct trails, maintain trails and landscaping
San Francisco League of Urban Gardeners	\$98,000	Provide native plants, install landscaping, construct trails, maintain trails and landscaping.

I hope this provides the information that you need. If you have any further questions, please feel free to call me at 274-0568.

**PRELIMINARY DESIGN - CONSTRUCTION COST ESTIMATE  
PIER 98 WETLANDS AND PUBLIC ACCESS ENHANCEMENT PROJECT**

Description of Item	Quant.	Units	Unit Cost	Total Cost	Subtotal
<b>Public Access Improvements/Ammenities</b>					
Parking area striping	10	ea.	\$108	\$1,064	
Entry Gates: 12' emergency vehicle access	1	ea.	\$3,325	\$3,325	
pedestrian entry maze	1	ea.	\$1,330	\$1,330	
Bike rack	1	ea.	\$285	\$285	
Picnic Area: tables (3), barbeques (3),	3	ea.	\$2,793	\$8,379	
ash dumping station	1	ea.	\$1,515	\$1,515	
Granite benches	4	ea.	\$1,330	\$5,320	
Trash containers	10	ea.	\$200	\$2,000	
Wetlands viewing area	1	l.s.	\$49,875	\$49,875	
Fishing Pier	1	ea.	\$106,400	\$106,400	
Signs: interpretive	8	ea.	\$1,995	\$15,960	
Signs: rules and warnings	7	ea.	\$1,330	\$9,310	
Road/Trail Construction:					
decomposed granite for trail/service road	21600	s.f.	\$4.32	\$93,366	
gravel vehicle turnaround	2000	sf	\$2.66	\$5,320	
redwood header boards for trail/service road	5520	l.f.	\$3.99	\$22,025	
pedestrian path to picnic area	40	s.f.	\$4.32	\$173	
decomposed granite for picnic area	2830	s.f.	\$4.32	\$12,233	<b>\$337,880</b>
<b>Landfill Closure</b>					
earthwork for subgrade layer	7700	cy	\$13	\$102,410	
installation of geotextile	200000	s.f.	\$1.00	\$199,500	
placement of cover material	13450	cy	\$11	\$143,110	
Off-haul and class III disposal of soil	1200	cy	\$60	\$71,820	
Raising monitoring wells	5	ea	\$2,660	\$13,300	<b>\$530,140</b>
<b>Upland Landscaping</b>					
Clearing and grubbing	13	acres	\$5,320	\$69,160	
Offhaul of cleared and grubbed material	7740	cy	\$43	\$329,414	
Landscaping: top soil for berms	1300	cy	\$47	\$60,515	
trees	1	ls	\$6,118	\$6,118	
shrubs	1	ls	\$46,555	\$46,555	
native grass hydroseeding	7	acres	\$2,926	\$20,482	
weed control: irrigation - 2 weeks	13	acres	\$532	\$6,916	
weed control: spraying - twice	13	acres	\$1,330	\$17,290	<b>\$556,450</b>
<b>Wetlands Enhancement and Construction</b>					
Enhancement of existing wetlands:					
Spraying and removal of exotic/invasive plants	1	ls	\$1,330	\$1,330	
Excavation of soil	200	cy	\$16	\$3,192	
Placement of fill	300	cy	\$11	\$3,192	
Planting pickleweed	1	ls	\$1,330	\$1,330	
Off-haul and Class II soil disposal	40	cy	\$120	\$4,788	
Breaking and placement of concrete debris	40	cy	\$60	\$2,394	
Silt fence during construction	2500	lf	\$1	\$3,325	
Creation of new wetlands:					
Excavation of soil	15400	cy	\$16	\$245,784	
Off-haul and Class III Disposal of soil	3300	cy	\$60	\$197,505	
Off-haul and Class II soil disposal	20	cy	\$120	\$2,394	
Breaking and placement of concrete debris	1440	cy	\$27	\$38,304	
Fence around wetlands	2500	lf	\$11	\$26,600	
Construction monitoring and training	1	ls	\$46,000	\$46,000	
Post-construction survey	1	ls	\$6,900	\$6,900	
Permitting	1	ls	\$3,452	\$3,452	<b>\$586,490</b>
<b>Total Project Budget</b>					<b>\$2,010,960</b>

Note: Assumes 65% of the material excavated from the upland area is suitable for on-site reuse; and that 70% of the material excavated from the wetland area is suitable for on-site reuse as fill. Of the 30% of the material from the wetlands that can't be reused as fill, this estimate assumes that 30% will be reusable as rip-rap and 70% will be disposed at a Class III facility.

5/28/98

Memo to Economic Development, Transportation and Technology Committee  
June 2, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 2 – File 98-823

**Department:** Port of San Francisco

**Item:** Resolution authorizing the Executive Director of the Port to accept and expend \$92,000 in State funds from the Association of Bay Area Governments (ABAG) for construction of the San Francisco Bay Trail at Pier 98 and designation of a bike route on Cargo Way and foregoing reimbursement of indirect costs; and authorizing the Port to hold the State of California harmless as required in the Cooperative Funding Agreement.

**Grant Amount:** \$92,000

**Grant Period:** June 30, 1998 to June 30, 2001 (three years)

**Source of Funds:** ABAG which funds and administers the San Francisco Bay Trail Regional Development Program through the California Conservation Corps

**Description:** The San Francisco Bay Trail is a 400-mile route that extends around the perimeter of the San Francisco Bay. It includes hiking paths, multi-use paths, and on-street bicycle lanes in various stages of development. The San Francisco Bay Trail is administered by ABAG. Of the proposed \$92,000 in grant funds, \$47,000 would fund trail construction and maintenance of a portion of the trail extending from Third Street, south on Cargo Way, through Pier 98 to PG&E's power plant located in Bayview Hunters Point; and from India Basin Shoreline to Hunters Point Blvd. The remaining \$45,000 would be expended over three years to fund landscape maintenance.

Services would be provided by three contractors, the California Conservation Corps (CCC), the San Francisco League of Urban Gardeners (SLUG) and the San Francisco Conservation Corps (SFCC.) The CCC, a State agency, and SFCC, a non-profit agency, offer employment and vocational training to young adults, primarily in natural resources conservation and related construction. SLUG is a non-profit, environmentally based job training

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Economic Development, Transportation and Technology Committee  
June 2, 1998 Economic Development, Transportation and Technology Committee  
Meeting

and educational organization located in Bayview Hunters Point.

The subject grant funds in the amount \$92,000 would provide part of the funding for the project to construct the San Francisco Bay Trail at Pier 98 and designate a bike route on Cargo Way. The subject project is part of a larger project, the Pier 98 Wetlands and Public Access Enhancement Project, which has a total budget of \$2,010,960 and is described in Item 1, File 98-822 of this report to the Economic Development, Transportation and Technology Committee.

**Budget:**

A summary budget for the San Francisco Bay Trail at Pier 98 and bike route on Cargo Way is as follows:

	Subject Grant <u>Funds</u>	Total Project <u>Budget</u>
Design		\$59,220
Construction & Landscaping	\$47,000 *	214,210
Port Staff Time		5,040
SLUG Staff Time		4,200
Benches & Signage		18,000
Maintenance	<u>45,000</u>	<u>63,600</u>
Total	\$92,000	\$364,270

\*Included as a funding source for the Pier 98 Wetlands and Public Access Enhancement Project under Item 1, File 98-822 of this report to the Economic Development, Transportation and Technology Committee.

A detailed total project budget of \$364,270, provided by the Port, is shown in the Attachment to this report.

**Required Match:**

Approximately a three-to-one match of local dollars to State funds is required. The Port will provide a match of \$117,270 in cash as previously approved by the Board of Supervisors and \$155,000 of in-kind services (e.g., engineering design and Port Staff time) which the Port is requesting in their FY1998-99 budget, for a proposed total contribution of \$272,270.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Economic Development, Transportation and Technology Committee  
June 2, 1998 Economic Development, Transportation and Technology Committee  
Meeting

**Indirect Costs:** The proposed resolution requests a waiver of indirect costs because the granting agency does not allow such costs.

**Comments:** 1. According to the terms of the grant, construction will be completed by June 30, 1999. Maintenance of the subject portion of the San Francisco Bay Trail at Pier 98 will be provided during the first year of the grant as well as the following two years.

2. The Port has prepared Disability Access Checklists, which are on file with the Clerk of the Board's Office.

3. According to Ms. Noreen Ambrose of the City Attorney's Office, the hold harmless provisions in the contract with ABAG are a condition of the grant funding.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors



## EXHIBIT A - PROJECT BUDGET

Item	Quantity	Unit Cost (source reference)	Grant Request	Other Contrib.	Comments
Design plans	Ea.	25% construction cost <sup>(1)</sup>		\$ 59,220	Project partnership provides
Class III Bike Route	1.5 miles	\$1,540/mile - each way <sup>(2)</sup>	\$ 4,620		To be implemented by DPT
Parking area, gates; bike rack	Ea.	\$4,550 L.S. <sup>(3)</sup>		\$ 4,830	By General Contractor for Port.
Cleaning and grubbing - Pier 98	0.75 acres	\$4,000/acre + 20% <sup>(3)</sup>	\$ 3,600		CCC/SFCC/SLUG labor
Cleaning and grubbing- India Basin	0.95 acres	\$4,000/acre + 20% <sup>(3)</sup>	\$ 960		CCC/SFCC/SLUG labor
Site Preparation and grading - India Basin Shoreline Park	Ea.	\$5,000 L.S. <sup>(1)</sup>	\$ 4,720		CCC/SFCC/SLUG labor
Earthwork (filling, grading) - Levee connection to PG&E	118 cu. yd.	\$10/ cu. yd. + \$1,000 mobilization <sup>(3)</sup>		\$ 2,180	By General Contractor for Port.
DG Trail - Pier 98 section	23,400 sq. ft.	\$0.75/sq. ft. <sup>(4)</sup>	\$17,500		CCC/SFCC/SLUG labor
DG Trail - Levee section	1,600 sq. ft.	\$0.75/sq. ft. <sup>(4)</sup>		\$ 1,200	CCC/SFCC/SLUG labor
Asphalt-paved, mixed use trail - India Basin section	6,000 sq. ft.	\$2.60/sq.ft. <sup>(4)</sup>	\$15,600		CCC/SFCC/SLUG labor
Landscaping: plants and labor	Ea.	\$121,500 L.S. <sup>(3)</sup>		\$121,500	CCC/SFCC/SLUG labor
Wetland Viewing Area	Ea.	\$37,500 L.S. <sup>(3)</sup>		\$ 37,500	Project partnership provides
Signs & Benches	18	\$1,000 ea. <sup>(3)</sup>		\$ 18,000	Project partnership provides
Project Management	80 hrs.	\$38/hr <sup>(5)</sup>		\$ 3,040	Port staff time
Construction Inspection	40 hrs.	\$50/hr <sup>(5)</sup>		\$ 2,000	Port staff time
Project Management, design consultation, community outreach	120 hrs.	\$35/hr <sup>(5)</sup>		\$ 4,200	SLUG staff time
Student Volunteer Coordinator	450 hrs	\$12/ hr <sup>(5)</sup>		\$ 5,400	City College Center for Habitat Restoration
Trail and Landscape Maintenance	3 years	\$15,000/year <sup>(4)</sup>	\$45,000		CCC/SFCC/SLUG labor
Maintenance and Monitoring - Student Volunteers	3 years	\$ 2,000/year <sup>(5)</sup>		\$ 6,000	City College Center for Habitat Restoration Students
Maintenance and Monitoring - Community groups and Interns	3 years	\$ 2,400/year <sup>(5)</sup>		\$ 7,200	Organized by SLUG
Subtotal: Grant Request			\$92,000		
Subtotal: Local Partner Match				\$272,270	
<b>TOTAL PROJECT BUDGET</b>			<b>\$364,270</b>		

## Notes:

- (1) Costs were calculated from engineering and environmental design consultants (Port) and/or interdepartmental invoices (Rec. and Park).
- (2) From *San Francisco Bicycle Plan*, August 1996.
- (3) From *Preliminary Design Report*, Levine-Fricke-Recon, 11/13/97; Table 5: Construction Cost Estimate.
- (4) From California Conservation Corps, 12/10/97.
- (5) From Port work orders; additional documentation available upon request.
- (6) From SLUG; additional documentation available upon request.

Item 4 - File 98-837

**Department:** Public Transportation Commission (PTC)  
Public Utilities Commission (PUC)

**Item:** Ordinance amending Section 6.1-1 of the Administrative Code to provide for additional time for awarding contracts let by the Public Transportation Commission and the Public Utilities Commission and providing that the provisions of this ordinance shall be effective on July 1, 1998.

**Description:** Section 6.1 of the Administrative Code, "Bidding Required on Contracts Exceeding \$50,000; Time for Bidding," provides that contracts which exceed \$50,000 shall be awarded not less than 10 days after the last date of publication requesting bids or more than 30 days after receiving bids, unless the time for awarding such contracts is extended by resolution of the Board of Supervisors. Notwithstanding the foregoing, in order to develop, implement or improve a qualifying affirmative action nondiscrimination program as required by Section 12B of the Administrative Code, the contract awarding authority shall have an additional 30 days, or a total of 60 days, after receipt of the bid within which to award a contract to the lowest reliable and responsible bidder.

Notwithstanding the foregoing provisions of Section 6.1 of the Administrative Code, Section 6.1-1 of the Administrative Code allows the Port Commission, the Public Utilities Commission, the Public Transportation Commission, and the Director of Public Works, upon approval of the Mayor or the Mayor's designee, to: 1) include in its Invitation for Bids a stipulation that extends the time allowed to award a contract for a specified period of time longer than 30 days after the receipt of bids without subsequent approval of the Board of Supervisors; or 2) after bids have been received, to extend the time of award of any such contract for any length of time, with the consent of the successful bidder and without subsequent approval of the Board of Supervisors.

However, in accordance with previous legislation adopted by the Board of Supervisors, such authority, granted to the Public Utilities Commission and the Public Transportation Commission for extending the time periods for contract awards, expires on June 30, 1998. The sunset provision

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June 2, 1998, Economic Development, Transportation & Technology Meeting

adopted by the Board of Supervisors for the Public Utilities Commission is contained in Ordinance No. 111-97 and the sunset provision adopted by the Board of Supervisors for the Public Transportation Commission is contained in Ordinance No. 412-97. As previously reported by Ms. Audrey Williams of the City Attorney's Office, the purpose of the sunset clauses is to provide an opportunity for the Board of Supervisors to evaluate the effectiveness of granting authority for contract award extensions to the PUC and PTC.

As of July 1, 1998, the proposed ordinance would repeal the sunset provisions of Section 6.1-1 of the Administrative Code, as previously approved by the Board of Supervisors in Ordinance Nos. 111-97 and 412-97, in order that the Public Utilities Commission and the Public Transportation Commission could extend the deadline for awarding contracts without the need for further evaluation by the Board of Supervisors.

**Comments:**

1. Attachments I and II are memoranda from the PUC and the PTC, respectively, providing their rationale for repealing the sunset clauses in Ordinance Nos. 111-97 and 412-97, as previously approved by the Board of Supervisors.

2 The PUC memorandum includes the statement that the PUC has awarded 23 contracts since being authorized by the Board of Supervisors (in March of 1997) to extend the time period for award of such contracts, and that six of those contract awards would have previously required the approval of the Board of Supervisors, which, according to the memorandum, would have delayed the start of construction on each of the contracts by an additional two months, at a minimum.

3. The PTC memorandum includes the statement that the PTC has not advertised any construction contracts since obtaining the authority (in October of 1997) to extend the time period for such contract awards. However, according to the memorandum, the PTC expects to advertise for five construction contracts between now and June 30, 1998, and expects to use the authority for extending the time period on some of the contracts. Further, as stated in the memorandum, the PTC expects to advertise for 14 construction contracts at an estimated cost of \$57 million during FY 1998-99, and anticipates that many, if not most, of

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the 14 construction contracts will require additional time beyond 30 days for contract award. The PTC memorandum also includes the statement that "Obtaining Board of Supervisors' approval for an extension of time adds a minimum of two months to the bid and award period, thereby delaying the start of the contract."

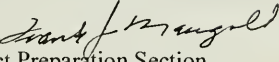
**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

MAY 28, 1998

MEMORANDUM

VIA FAX 415 252-0461 VOICE 554-7642

TO: Stan Jones  
Budget Analyst's Office  
San Francisco Board of Supervisors

FROM: Frank J. Mangold   
Manager, Contract Preparation Section  
Utilities Engineering Bureau

SUBJECT:

File 98-0837. [Time for Award of Contracts] Ordinance amending Administrative Code Section 6.1-1 to provide for additional time for the awarding of contracts let by the Public Utilities Commission and the Public Transportation Commission

Additional Information

Everett Hintze asked me to furnish you with a copy of the PUC agenda item and its attachments, as we believe this background information will answer most of your questions concerning the above proposed ordinance.

During the calendar year of 1996, PUC awarded 15 contracts. Of these, we were unable to award two contracts within the time specified in Section 6.1 of the Administrative Code, and required Board approval of the extension of time for award of these two contracts (WD-2121 and WD-2122). We went to the Board after the Commission made the awards subject to the approval of the Board of extension of time for award. The process added approximately two months onto the time required between award and certification of the contracts.

During 1997 and the first quarter of 1998, after Section 6.1-1 had been amended to include the PUC, the PUC awarded 23 contracts, of which 6 could not be awarded within the time specified in Section 6.1, for varying reasons. But for Section 6.1-1 covering contracts awarded by PUC, the PUC would have had to obtain approval of the Board for extension of time for award each of these contracts, which would have delayed the start of construction of each of these contracts by an additional two months, minimum.

If you have any further questions, please feel free to call me at 554-0778, or fax me at 554-3225, You may also e-mail me.



SAN FRANCISCO MUNICIPAL RAILWAY 949 PRESIDIO AVENUE, SAN FRANCISCO, CALIF. 94115 415-673-6864

May 29, 1998

Mr. John Taylor  
Clerk of the Board  
Board of Supervisors  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102

RE: Proposed Ordinance Amending San Francisco Administrative Code Sec. 6.1-1  
File No. 98-837

Dear Mr. Taylor:

The Public Transportation Department urges the Board of Supervisors to adopt the proposed ordinance amending San Francisco Administrative Code § 6.1-1 to provide for additional time for awarding contracts let by the Public Utilities Commission ("PUC") and the Public Transportation Commission ("PTC"). Adoption of this ordinance will allow the PUC and PTC the same flexibility and authority as that currently enjoyed by the Port Commission and the Department of Public Works in awarding contracts.

San Francisco Administrative Code § 6.1 requires that a bid be awarded to the lowest reliable and responsible bidder not less than 10 days after the last date of publication or more than 30 days after receipt of bid. An additional 30 days to award is available, if necessary, in order to develop, implement or improve a qualifying affirmative action nondiscrimination program as required by Section 12B of the Administrative Code.

Originally, Administrative Code § 6.1-1 allowed the Port Commission and the Department of Public Works either to specify in the call for bids a period of time to award longer than 30 days, or to extend the time for award with the consent of the successful bidder. Ordinance Nos. 111-97 and 412-97 amended § 6.1-1 to add the PUC and the PTC, respectively, the same ability to specify a time greater than 30 days to award or to obtain the consent of the successful bidder. However, both ordinances contain sunset clauses providing for their expiration on June 30, 1998. Upon expiration, both the PUC and PTC must again award contracts within 30 days of receipt of bids, as specified in Administrative Code § 6.1. Thereafter, the ability to award construction contracts beyond the 30-day limitation would require Board of Supervisors' approval.

The major reasons for not being able to award a contract within the 30 days specified in Section 6.1 include: (1) bid protests, (2) failure of the low bidder to furnish required post-bid and pre-award documentation including affirmative action affidavits, proof of insurance, performance bonds and labor and material bonds, (3) irregularities in the low bid, and (4) the time requirements for public notice. Obtaining Board of Supervisors' approval for an extension of time adds a minimum of two months to the bid and award period, thereby delaying the start of the contract. Many PTC contracts are parts of projects with compliance order deadlines, such as the Americans with Disabilities Act, or are parts of larger projects that may impact the schedules of other contracts. The additional time required to obtain approval from the Board of Supervisors has a serious impact on construction scheduling, especially if construction "windows of opportunity" are missed.

Between December 1995 and October 1997, the PTC awarded 13 construction contracts. Four of those contracts required approval from the Board of Supervisors for extension of time for award. All four requests were approved.

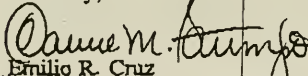
The PTC has not advertised any construction contracts under Ordinance No. 412-97, which was passed in October 1997. Between now and June 30, 1998, however, we expect to advertise five (5) construction contracts estimated at \$5.2 million. For some of these contracts, we expect to utilize the additional time to award allowed under Ordinance No. 412-97.

Additionally, between July 1998 and June 1999, we have fourteen (14) construction contracts estimated at \$57 million scheduled for advertisement. We anticipate that many, if not most, of these contracts will require additional time beyond 30 days for award. This will allow the PTC to better analyze the bids for compliance with disadvantaged-business, minority-business and local-business enterprise requirements, compliance with the Equal Benefits Ordinance, and other bid protest issues. If the proposed ordinance is not adopted, we expect that most of these contracts will come before the Board of Supervisors for approval to award.

Therefore, we support the PUC's resolution and urge the Board of Supervisors to adopt the proposed Ordinance granting the PUC and PTC additional time to award construction contracts.

If you have any questions or comments, please do not hesitate to call me or Peg Divine, Deputy General Manager, Engineering and Construction Division, at 554-0785.

Sincerely,

  
Emilio R. Cruz

Director of Public Transportation



Item 5 – File 98-845

**Department:** Public Utilities Commission (PUC)

**Item:** Resolution approving the Special Discharge Agreement between the City and County of San Francisco and the Modesto Irrigation District and approving the indemnification and hold harmless provisions of the Agreement.

**Description:** There are three Hetch Hetchy San Joaquin Pipelines which carry up to 300 million gallons-per-day of untreated Tuolumne River water for storage, treatment, and delivery to San Francisco and Bay Area water users. The PUC funded the construction and installation of the San Joaquin Pipelines Crossover System with funds previously approved in the PUC's FY 1992-93 Capital Improvement Program budget. The Crossover is adjacent to the Modesto Irrigation District's main canal.

Use of the Crossover System enables Hetch Hetchy to transfer water between any one of the three pipelines to isolate a segment of pipeline when necessary for maintenance or emergency repairs, which will conserve water for City and Bay Area water users.

A Special Discharge Agreement was negotiated between the City and the Modesto Irrigation District (District), granting the City permission to discharge water into the District's main canal when necessary, such as when maintenance of the pipelines is required or in the event of an emergency, at no cost to the City.

Approval of the subject proposed resolution would authorize (a) the Special Discharge Agreement and (b) the indemnification provisions contained therein which state that the City and the District "agree to and shall indemnify, defend and hold harmless each other, the other party's directors, officers, representatives, agents and employees, and each of them, from and against any and all claims, damages, loss, liability and expenses, including court costs and attorney's fees, arising from any act, omission or negligence in the exercise of the respective party's rights and obligations under this Agreement, and from and against any and all costs,

expenses or liabilities incurred in or in connection with any of such claims or any proceeding brought thereon."

**Comments:**

1. According to Mr. Ralph Herrera of the PUC, the Crossover System has been operating since November of 1997. As noted above, the Crossover System allows Hetch Hetchy to transfer water between any one of the three pipelines to isolate a segment of pipeline when necessary for maintenance or emergency repairs. Such a transfer would require draining the isolated pipeline of water, which would be accomplished by discharging the water into the District's main water canal under the subject Special Discharge Agreement. Mr. Herrera reports that to date, the City has not needed to discharge water into the Modesto Irrigation District's canal. Mr. Herrera advises that regular maintenance will require discharging water once every two to three years.

2. According to Mr. Donn Furman of the City Attorney's Office, the Board of Supervisors must approve the subject Agreement because (a) pursuant to Charter Section 9.118, the Board of Supervisors must approve agreements in excess of ten years, and the subject Agreement is in perpetuity and (b) pursuant to Administrative Code Section 1.24, the Board of Supervisors must approve Agreements that contain a hold harmless clause.

Mr. Furman notes that the indemnification and hold harmless provisions in the subject Agreement create a degree of risk exposure to the City that is unquantifiable. However, inclusion of the provisions in the subject Agreement is required by the District, and as such, if the City, on behalf of Hetch Hetchy, wants to proceed with the water saving opportunities provided by the Agreement, then the indemnification and hold harmless provisions must be approved.

3. Mr. Herrera reports that there are no payments between the City and the Modesto Irrigation District related to the subject Special Discharge Agreement.

**Recommendation:**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Item 6 – File 98-861

**Department:** Public Utilities Commission (PUC)

**Item:** Resolution approving a financial partner, CMS/Wellhead, a joint venture, for the potential purchase of the Hunter's Point and Potrero Power Plants and the entering into a memorandum of understanding for the financing of the power plants and other related activities.

**Description:** In April of 1998, the Board of Supervisors approved a resolution (File 98-387) urging the PUC to conduct an investigation of the possible purchase of the Hunter's Point and Potrero Power Plants. The two power plants provide approximately 50 percent of all electric power used in San Francisco, primarily in the downtown area. The resolution noted that there were several reasons to investigate the purchase of the power plants, including the following:

1. The current power plants are old and heavily polluting. If these power plants were purchased and replaced with more efficient facilities, the level of emissions, particularly in the vicinity of the Hunter's Point Power Plant, would be reduced dramatically without any loss of power supply.
2. Economic benefits may flow to the City from revenues derived from the sale of electric power from these plants.
3. The residents and businesses of San Francisco may benefit through reduced electrical rates.

The two power plants, located at 1000 Evans in Hunter's Point, and Illinois and 23<sup>rd</sup> in the Potrero District, are currently owned and operated by the Pacific Gas & Electric Company (PG&E). The plants produce electrical power by natural gas fueled generation. Operation of the plants for power production is necessary because PG&E's transmission capacity from its other electric power sources is insufficient to meet the City's peak demands for electricity.

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PG&E is selling both the Bayview Hunter's Point and Potrero Power Plants as part of its sale of eight fossil fuel and thermal power plants in California. The sale of such power plants by PG&E is in conformance with the State of California's electric industry restructuring law, AB 1890, which endorses a competitive power generation industry separate from an electric utility's transmission and distribution system. PG&E intends to auction the facilities, with initial non-binding bids due by June 8, 1998. The "non-binding" bids are to express initial interest in acquiring the power plants. PG&E then intends to solicit final, binding bids for the two power plants from qualified respondents. Final bids will be due in December of 1998.

The City and the PUC hope to purchase the two power plants with PG&E (see Comment 2) in order to operate the power plants in such a manner as to reduce harmful air pollution.

According to Mr. Lawrence Klein, General Manager of Hetch Hetchy Water and Power, the PUC intends to structure a partnership to secure financing in the event the City decides to purchase the power plants. The partner would not have any right to compel the City to purchase the power plants and there would be no other obligation which the City has to the partner in the event that the City chooses not to purchase the power plants. However, should the City decide to purchase the power plants, the partner would be entitled to recover its financial investment in the power plants, to the extent that revenues from the existing plants are sufficient for said recovery. The partner would also be responsible for operating and maintaining the power plants, providing the City with an agreed upon amount of revenue, and paying for and participating in the performance of studies and environmental review of the power plants.

The City's potential partners were selected through the solicitation of Requests for Quotations (RFQ) by the PUC which stipulated the following conditions.

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- The Partner must provide all reasonable and customary financial guaranties required by PG&E to sell the existing plants to the City.
- The partner assumes all marketing, operating and financial risks for the existing plants.
- The City retains the option to own and/or control the existing power plant sites.
- The Partner agrees to operate the existing plants in compliance with air quality and other regulations, and in a manner that does not exceed historical emissions levels.
- The Partner agrees to promptly commence a study of electric supply options for the City which include transmission; new, clean, efficient generation; renewable energy resources; and energy efficiency and conservation programs. The study would also include electric reliability for the San Francisco International Airport and support of economic development in the City through discounted electric rates or direct subsidies. The study would, at the City's option, be conducted by a third party selected via a competitive process to assure an impartial result.
- The Partner, the City, the local communities, and the City's consultants shall jointly develop the City's long term electric supply plan. The City's long term electric supply plan must have, as its underlying premise, the eventual shutdown of both existing plants. In the event of shutdown of the existing plants, electrical power would have to be provided by a replacement plant or a combination of a replacement plant and increased transmission capacity from other sources.
- The Partner assumes full responsibility for financing and implementing the City's long-term electric supply plan, except that the City retains the option of equity participation in this phase of the Project. The City

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shall not, under any circumstances, be required to invest capital in the Project.

- The sharing of costs and benefits between the City and the Partner are subject to negotiation, except that the City's share of costs must be taken from the Project cash flows.

The companies who responded to the PUC's RFQ and were found qualified and interviewed were:

- CMS/Wellhead, a joint venture comprised of CMS Energy Corporation and Wellhead Electric Company Inc. CMS Energy Corporation's largest subsidiary, Consumers Energy, is the fourth largest investor owned utility in the United States; and,
- Enron Capital and Trade Corporation, a subsidiary of Enron Corporation.

The PUC selected the joint venture of CMS/Wellhead as their proposed partner . This resolution would approve an Energy Services Agreement and a Financial Guaranty Agreement between the City and CMS/Wellhead. The Attachment to this report provides a summary of the key terms and conditions of the proposed agreements.

**Comments:**

1. The PUC has structured the proposed agreements to minimize or eliminate financial risk to the City from the potential acquisition, operation and replacement of the power plants. Expenditures will be incurred by the PUC however, for legal and other professional services, such as financial advisors, in the preparation of bid documents and the negotiation of the purchase of the power plants. Mr. Moran estimates that the proposed cost of such services will be approximately \$800,000 between now and December, 1998. Such expenses would be paid from funds presently budgeted in the FY 1997-98 Hetch Hetchy budget for as needed services related to deregulation.

2. Mr. Klein states that PG&E has no clear obligation to sell the power plants to the City should it choose to sell to a higher bidder through the auction process. However, the

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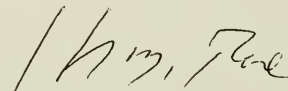
City intends to take the position that there is a public health hazard related to the operation of the two plants that obligates the City to take corrective action. Based on this position, the City hopes to persuade PG&E to negotiate a direct purchase of the two power plants by the City instead of accepting the highest bid through the auction process.

3. According to Mr. Klein, it is the intention of the PUC that this agreement for the provision of services and a financial guaranty by the proposed partner, CMS/Wellhead and any subsequent purchase and operation of the two power plants will not subject the City to any financial risk whatsoever.

4. If a decision to purchase the power plants is made by the PUC in the future, separate agreements and the financial terms of the purchase would require separate approval by the Board of Supervisors.

**Recommendation:**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee

Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



**SUMMARY OF KEY PROVISIONS OF PROPOSED ENERGY SERVICES  
AGREEMENT AND FINANCIAL GUARANTY AGREEMENT BETWEEN THE  
CITY AND CMS/Wellhead**

**ENERGY SERVICES AGREEMENT**

The City must secure financing for the purchase due to the schedule adopted by the California Public Utilities Commission ("CPUC") and PG&E for the sale of the Power Plants and other power production facilities, as a pre-condition for the City to even be in a position to purchase the Power Plants.

The City and CMS/Wellhead are entering into a Financial Guaranty Agreement which obligates CMS/Wellhead to provide full financing for the purchase of the Power Plants without recourse to the City in the event of any inability by CMS/Wellhead to realize sufficient revenues to recover the costs for purchase of the Power Plants and other associated costs.

If after completing environmental review pursuant to the California Environmental Quality Act ("CEQA") the City determines that it is appropriate to enter into a separate agreement with PG&E with respect to the purchase of the Power Plants, the City will form a relationship with CMS/Wellhead, of a legal nature yet to be determined, whereby the City will acquire the Power Plants and CMS/Wellhead will operate and maintain the Power Plants for a limited period of time, sell the power produced by the Power Plants, and conduct studies and further environmental review to determine the future disposition of the Power Plants, which studies will investigate the potential for decommissioning the Power Plants; alternatives for maintaining reliable electricity supply for San Francisco while minimizing environmental impacts, including air emissions; transmission upgrades; energy needs for San Francisco International Airport; and such other studies as may be appropriate. Such separate agreements would be subject to approval by the Board of Supervisors.

In exchange for providing the full non-recourse financing on behalf of the City, CMS/Wellhead will have the right to negotiate with the City for any future electric development projects undertaken pursuant to this Agreement and such future agreements as may be entered into between the parties.

To secure its obligations to proceed in good faith to consummate the terms of this Agreement, on or before June 8, 1998, CMS/Wellhead shall have provided to the City an irrevocable letter of credit (the "Initial Letter of Credit") for the City in the face amount of \$1,000,000. The Initial Letter of Credit will be in effect until a

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purchase agreement is entered into with PG&E or the City determines not to proceed with negotiations. The Initial Letter of Credit may be drawn upon by the City if CMS/Wellhead withdraws from the negotiations with the City, and/or the negotiations with PG&E concerning the purchase of the Power Plants at any time and for any reason (other than breach of this Agreement by the City or for reasons beyond the control of either party) or otherwise breaches this Agreement, then (i) this Agreement shall terminate at City's sole discretion and upon written notice, and (ii) the City may draw upon the Letter of Credit.

CMS/Wellhead shall pay for all studies which are necessary to effectuate the intent of the Agreement. Such studies shall include, but not be limited to, operations studies for the Power Plants, transmission upgrades, facilities replacement studies, alternative energy sources, conservation, reliability, San Francisco operating criteria, and such other studies as may be agreed upon by the parties.

CMS/Wellhead shall pay for all environmental reviews necessary to accomplish the intent of the Agreement and future agreements. Such environmental studies shall be of a sufficiency to comply with the California Environmental Quality Act, National Environmental Policy Act (if applicable), Air Quality Act, and others as may be necessary.

CMS/Wellhead shall pay for the formation and administration of the Community Energy Advisory Committee ("CEAC"). Administration shall include conducting meetings, providing notice to the public of information, overseeing the activities of a community consultant, costs of any facilitation of meetings, including meeting space and hospitality, and such other costs of administration as may be agreed to by the parties from time to time.

CMS/Wellhead shall pay the costs of a community consultant in an amount not to exceed \$50,000 per year. The community consultant shall be made available to the CEAC to advise the community on air quality and related issues concerning Power Plant operation and management. The consultant shall be chosen by the parties in consultation with the CEAC. The consultant shall provide expert advice on an objective basis, and not as an advocate for the parties or CEAC. The consultant shall provide advice on matters as may be agreed to by the parties and the CEAC. The consultant shall act to be responsive to the concerns of the CEAC. The consultant will not be available to perform work on behalf of the parties.

According to the proposed agreement, the City has commenced initial staff level negotiations with PG&E. CMS/Wellhead shall participate in these negotiations in coordination with the City. At all times the City will be the lead negotiator. However, the price to be paid for the Power Plants shall be subject to

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agreement by CMS/Wellhead, which agreement shall be based on good faith and fair dealing.

If the City completes an environmental review and determines to proceed with purchase of the Power Plants, on a timely basis the City and CMS/Wellhead shall use their best efforts to negotiate and close with PG&E a mutually acceptable Purchase and Sale Agreement by December 31, 1998. Failure to complete negotiations by December 31, 1998 shall not constitute a default under this Agreement. The Purchase and Sale Agreement will take the form generally of the form provided with the PG&E Core Acquisition Documents, as it may be revised during the PG&E/City negotiations.

If the City and CMS/Wellhead are unable to negotiate a Purchase and Sale Agreement with PG&E, then the provisions of this Agreement and the Financial Guaranty will terminate.

In addition to any other obligations under this Agreement, during the Term, CMS Wellhead shall:

- a. Secure commitments for the financing of the purchase of the Power Plants, if necessary.
- b. Provide to the City or PG&E, as appropriate, such funds as may be necessary to pay for any negotiated costs, deposits, other payments, and the full purchase price of the Power Plants.
- c. Cause to be paid and bear all costs related to the fulfillment of CMS/Wellhead's obligations under this Agreement.
- d. Following execution of the Agreement: (i) use good faith efforts and cooperate with the City to satisfy the requirements of all applicable ordinances, resolutions, regulations or other regulatory approvals, necessary or appropriate in connection with a purchase of the Power Plants, and (ii) prepare and complete financial projections and other preliminary plans, documents, and instruments as may be necessary to obtain all regulatory approvals for the purchase of the Power Plants and related activities.

The proposed agreement provides that prior to closing on a Purchase and Sale Agreement for the Power Plants, the City and CMS/Wellhead will negotiate to establish the nature of their legal relationship regarding management, operation, maintenance, marketing, and other responsibilities regarding the Power Plants, and a structure for the sharing of revenues and expenses associated with the City's proposed purchase of the Power Plants. It is contemplated that the same structure will be employed for any subsequent activities regarding disposition of the Power

Plants. The structure is expected to take the form of one or more contracts providing the City and CMS/Wellhead with the requisite rights, interests and obligations to accomplish the City's objectives. The actual structure will take into account, among other factors, financing arrangements and tax considerations.

The City and CMS/Wellhead agree to the following conceptual structure for sharing project costs and benefits, subject to further agreement by the parties :

- a. For services provided by CMS/Wellhead to the Project, CMS/Wellhead shall have the exclusive right to provide such services to the Project at negotiated market rates and on commercially reasonable terms and conditions. To the extent that the City provides services to the Project, the City shall be entitled to reimbursement at market rates also. Any such charges will be subject to an annual budget prepared by CMS/Wellhead and approved by the City.
- b. Provided that they are in compliance with their respective contractual obligations, the City and CMS/Wellhead shall be entitled to earn a reasonable return on their investment in all phases of the Project. CMS/Wellhead's targeted rate of return on its investment is subject to negotiation and may vary for specific tasks according to the level of risk.
- c. The City and CMS/Wellhead shall negotiate a ratio for sharing project benefits. However, the City's initial share of benefits by virtue of purchase of the Power Plants shall be calculated at 10% of annual net revenues, subject to a guaranteed minimum payment of \$1,000,000 per year to the City regardless of net revenues. Unless the parties otherwise agree, this formula shall remain in effect until CMS/Wellhead recovers its investment and the targeted rate of return thereon. Thereafter, CMS/Wellhead and the City shall be deemed equal partners and shall share all project net revenues on an equal (i.e. 50/50) basis.
- d. In the event it becomes necessary to dissolve the relationship, the dissolution shall be according to the terms of the applicable relationship organizational documents, to be developed, and result in an orderly breakup of the assets and liabilities that protects the interests of the parties as described herein and in any subsequent agreements.. The parties agree that as long as the parties are in compliance with their respective contractual obligations at the time of dissolution, the applicable organizational documents will provide that any such dissolution will be structured to allow CMS/Wellhead to

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recover their investment, subject however to keeping the City free of any financial or other liabilities, except as may be otherwise agreed.

### FINANCIAL GUARANTY AGREEMENT

Coincident with the entering into of this Agreement, the City and CMS/Wellhead are entering into a Financial Guaranty pursuant to which CMS/Wellhead agrees to keep the City financially whole and free of any financial liability, not otherwise explicitly assumed by the City, for the term of this Agreement and all succeeding agreements.

The Financial Guaranty Agreement sets forth certain financial obligations of CMS/Wellhead with respect to the purchase of the Power Plants as contemplated under the Agreement.

Financial Guaranty. CMS/Wellhead agrees that if the City enters into a Purchase and Sale with PG&E for the Power Plants as contemplated under the Agreement, CMS/Wellhead shall, subject to the provisions hereof:

- (i) Provide and/or fund any good faith deposit or other financial guarantee required to be provided by the City to PG&E under the Purchase and Sale upon the effective date thereof;
- (ii) Provide any other guarantee of payment of the purchase price required to be provided under the Purchase and Sale prior to closing;
- (iii) Provide funding for the full cash portion of the purchase price payable to PG&E upon the closing date under the Purchase and Sale;
- (iv) Provide funding for all costs associated with any activities undertaken pursuant to the Agreement; and
- (v) Provide funds to protect, indemnify, defend and hold harmless the City from any liabilities, claims and other actions, as set forth in this Financial Guaranty and the Agreement.

Such financing obligations of CMS/Wellhead shall be subject to and conditional upon approval by CMS/Wellhead of the purchase price and terms and conditions set forth in the Purchase and Sale and other related agreements entered into with PG&E, as provided in the Agreement. The financing obligations of CMS/Wellhead provided herein shall be set forth in full in the Final Documentation and in such additional instruments and undertakings as PG&E may reasonably require in connection with the Purchase and Sale.

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AGENDA

**REGULAR MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, JUNE 2, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410.

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

ABSENT: SUPERVISOR LESLIE KATZ - ITEMS 1 - 4

CLERK: GAIL JOHNSON

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1. File 98-0822. [Grant, State Funds] Resolution authorizing the Executive Director, Port of San Francisco, to accept and expend \$500,000 in State funds from the State Coastal Conservancy for the Pier 98 wetlands and public access enhancement and foregoing reimbursement of indirect costs; and authorizing the Port to hold the State of California harmless as required in the grant agreement. (Supervisors Katz, Bierman)

ACTION: Hearing held. Recommended.

2. File 98-0823. [Grant, State Funds] Resolution authorizing the Executive Director, Port of San Francisco, to accept and expend \$92,000 in State funds from the Association of Bay Area Governments (ABAG) for construction of the San Francisco Bay Trail at Pier 98 and designation of a bike route on Cargo Way and foregoing reimbursement of indirect costs; and authorizing the Port to hold ABAG harmless as required in the cooperative funding agreement. (Supervisors Katz, Bierman)

ACTION: Hearing held. Recommended.

3. File 98-0821. [Competitive Bidding Exemption] Ordinance waiving competitive bid requirements for the San Francisco Port Commission's award of public works contracts to the California Conservation Corps, the San Francisco Conservation Corps and the San Francisco League of Urban Gardeners for performance of wetlands enhancement and public access activities at Pier 98. (Supervisors Katz, Bierman)

ACTION: Hearing held. Recommended.



4. File 98-0837. [Time for Award of Contracts] Ordinance amending Administrative Code Section 6.1-1 to provide for additional time for the awarding of contracts let by the Public Utilities Commission and the Public Transportation Commission; the provisions of this ordinance shall be effective July 1, 1998. (Public Utilities Commission)

ACTION: Hearing held. Recommended.

5. File 98-0845. [Hetch Hetchy Special Discharge Agreement] Resolution approving Special Discharge Agreement between the City and County of San Francisco and the Modesto Irrigation District on file with the Clerk of the Board of Supervisors in File No. 98-0845; and approving indemnifying and holding harmless District against claims arising from the City's willful misconduct or negligence. (Public Utilities Commission)

ACTION: Hearing held. Recommended.

6. File 98-0861. [Power Plants Financial Partner] Resolution approving a financial partner, CMS/Wellhead, a joint venture, for the potential purchase of the Hunters Point and Potrero Power Plants and the entering into of a memorandum of understanding for the financing of the power plants and other related activities. (Supervisor Bierman)

ACTION: Hearing held. Amendment of the Whole, as presented by Supervisor Bierman, adopted. Recommended as amended. New title: "Approving entering into an Energy Development Agreement and Financial Guaranty Agreement with a financial partner, CMS/Wellhead, a joint venture, for the potential purchase and operation of the Hunters Point and Potrero Power Plants."

### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0702. [Moderate-Scale Neighborhood Commercial District] Ordinance amending Planning Code by adding a special provision to Section 712.38 and amending the associated chart set forth in Section 712 to authorize the change in occupancy of a vacant residential use to an other institution, large, use operated by a non-profit corporation on the third floor and above of buildings in the moderate-scale neighborhood commercial district as a conditional use under certain specified circumstances; adopting findings pursuant to Section 101.1. (Supervisors Katz, Leno, Ammiano, Bierman), 30-Day Rule expires on June 3, 1998.

File 98-0761. [Taxicab Gate Fees] Ordinance amending Police Code by adding Section 1135.1, setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance (twenty-four months after the effective date of the section). (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0762. [Curb Parking, Commercial Vehicles] Ordinance amending Traffic Code Section 54, prohibiting curb parking for commercial vehicles. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0763. [Loading Zone Violation Penalty Fine Increase] Resolution increasing the penalty for violating Traffic Code Sections 33.3 (Special Truck Loading Zones), 33.3.2 (Truck Loading Zones in Parking Bays along Market Street), 38.B (Yellow Zones - Metropolitan Traffic District) and 38.B.1 (Yellow Zones - Outside Metropolitan Traffic District) from \$30, \$25, \$23, and \$25, respectively, to \$100; companion measure to File 98-0762. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 98-0764. [Double Parking Regulation and Fine] Ordinance amending Traffic Code by adding Section 53, regarding double parking. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

File 000-98-0765. [Double Parking Violation Penalty Increase] Resolution increasing the penalty for violations of Traffic Code Section 53 (double parking) from \$50 to \$100; companion to File 98-0764. (Supervisor Newsom), 30-Day Rule expires on June 10, 1998.

Watch future calendars for matters.





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AGENDA Actions Taken

**RESCHEDULED MEETING**  
**ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE**  
**BOARD OF SUPERVISORS**  
**CITY AND COUNTY OF SAN FRANCISCO**

TUESDAY, JUNE 16, 1998 - 9:30 A.M.

VETERANS BUILDING  
LEGISLATIVE CHAMBER  
401 VAN NESS AVENUE, ROOM 404

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

CLERK: GAIL JOHNSON

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, June 16, 1998, at 10:00 a.m. has been rescheduled to Tuesday, June 16, 1998, at 9:30 a.m.

1. File 98-0436. [Muni Driver Safety] Hearing to consider the personnel and safety procedures for Municipal Railway drivers involved in serious accidents. (Supervisors Yaki, Ammiano)

ACTION: Hearing held. Filed.

2. File 98-0866. [Transportation for Children and Youth] Hearing to consider public transportation for children and youth to and from school, city funded programs and after school activities. (Supervisor Yaki)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

3. File 98-0968. [Fast Pass on MUNI] Hearing to consider the efforts to renew the agreement with BART and MUNI to allow use of the MUNI Fast Pass for trips on BART that start and end in San Francisco and on progress toward extending the agreement to include users of the Discount MUNI Fast Pass who are seniors or disabled riders. (Supervisor Ammiano)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

4. File 98-0344. [CalTrain to Airport] Resolution supporting a direct connection of CalTrain to the San Francisco International Airport via the Airport Rail Transit System that will (1) complement the BART connection from Millbrae and San Bruno, (2) measurably reduce traffic on Route 101, and (3) recognize the ecological sensitivity of the Airport's west of Bayshore property, and encouraging the appropriate agencies to work cooperatively to establish such a direct connection. (Supervisors Bierman, Ammiano, Brown, Katz)

ACTION: Hearing held. Recommended.

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0804. [Skate Transit Pilot Program] Ordinance amending Traffic Code Section 100 to revise provisions regulating the use of roller skates and by adding Sections 100.1 to 100.6, inclusive, to regulate the use of roller skates and in-line skates on certain roadways and sidewalks; providing for sunset provision (expires December 31, 1999). (Supervisors Ammiano, Bierman), 30-Day Rule expires on June 17, 1998.

Watch future calendars for matters.

CITY AND COUNTY



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## BOARD OF SUPERVISORS

## BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

July 3, 1998

**TO:** Economic Development, Transportation and Technology Committee

**FROM:** Budget Analyst *Recommendations for meeting of*

**SUBJECT:** July 7, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 1 – File 98-1097**Department:** Port

**Item:** Resolution authorizing the Executive Director of the Port to accept and expend \$86,500 of State funds from the State Department of Boating and Waterways for a vessel pumpout facility at the Hyde Street Fishing Harbor, and foregoing reimbursement of indirect costs; and authorizing the Port to hold harmless the State as required in the grant agreement.

**Grant Amount:** \$86,500**Grant Period:** August 1, 1998 through December 30, 2000 (29 months)**Source of Funds:** California Department of Boating and Waterways

**Description:** In April of 1994, the Board of Supervisors authorized the Port to apply for and obtain a \$3.5 million loan for construction of the Hyde Street Fishing Harbor from the State Department of Boating and Waterways. The Port secured the loan, which was put on reserve and released January of 1998, following completion of the

Memo to Economic Development, Transportation and Technology Committee  
July 9, 1998 Economic Development, Transportation and Technology Committee  
Meeting

Environmental Impact Report and the selection of various contractors. The Port is ready to construct the Fishing Harbor Project, which includes a Vessel Pumpout Facility for water quality improvement.

The Port was awarded \$86,500 in grant funds for the Pumpout Facility by the State Department of Boating and Waterways. The contract agreement with the State requires the Port to hold harmless the State as follows:

"The grantee waives all claims and recourse against the Department including the right to contribution for any loss or damage arising from, growing out or in any way connected with or incident to this contract except claims arising from the concurrent or sole negligence of the Department, its officers, agents and employees."

"The grantee shall indemnify, hold harmless, and defend the Department, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the project."

**Budget:**

A summary budget for the Pumpout Facilities is as follows:

Vacuum Collection at fuel dock	\$22,400
Connection of holding tank to Sanitary Sewer	2,184
Piping from fuel dock to holding tank pump vacuum	6,720
Hose stands at fuel dock for holding tank	2,016
Pumpout boat	27,572
Engineering fees	16,500
Contingency fee - 15%	<u>9,108</u>
	\$86,500

A budget for the Hyde Street Harbor Project, including the Pumpout Facilities, provided by the Port, is shown in Attachment I to this report.

**Required Match:**

None

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Economic Development, Transportation and Technology Committee  
July 9, 1998 Economic Development, Transportation and Technology Committee  
Meeting

**Indirect Costs:** Indirect costs are waived because they are not allowed by the granting agency.

**Comments:** 1. On May 12, 1998, the Port Commission adopted Resolution 98-32 authorizing the Executive Director to apply for, accept and expend grant funds up to \$100,000 from the State Department of Boating and Waterways for the Hyde Street Fishing Harbor vessel pumpout facilities and to execute the necessary agreements.

2. Attachment II is the Port's Grant Application Information Form for the proposed grant funds.

3. The Port has prepared a Disability Access Checklist for the proposed grant program, which is on file with the Clerk of the Board.

**Recommendation:** Approve the proposed resolution.

**COST ESTIMATE****Waterside Facilities:**

• Design	\$ 300,000
• Dredge Testing	\$ 30,000
• Dredging	\$ 200,000
• Berthing System	\$1,200,000
• Pumpout Facilities	
• Vacuum collection station at fuel dock	\$22,400
• Connection of holding tank piping to Sanitary Sewer	\$ 2,184
• Piping from fuel dock to holding tank pump vacuum	\$ 6,720
• Hose stands at fuel dock for holding tank (with hose)	\$ 2,016
• Pump Out Boat	\$27,572
• Engineering Fees	\$16,500
• 15% contingency	<u>\$ 9,108</u>
	\$ 86,500

**Landside Facilities:**

• Design	\$ 150,000
• Restroom and storage building	\$ 200,000
• Pier, utilities, parking, and public access	\$1,420,000

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<b>TOTAL COST</b>	<b>\$3,586,500</b>
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**COMMITTED FUNDING SOURCES**

Loan from the California Department of Boating and Waterways	\$3,500,000
Vessel Pumpout Grant from the	
California Department of Boating and Waterways	\$ 86,500

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<b>TOTAL FUNDING</b>	<b>\$3,586,500</b>
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File Number: \_\_\_\_\_

Grant Application Information Form

A document required to accompany a proposed resolution  
Authorizing a Department to Accept & Expend Grant Funds

To: The Board of Supervisors  
Attn. Clerk of the Board

The following describes the grant referred to in the accompanying resolution:

1. Department: Port of San Francisco
2. Contact Person: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. Project Title: Hyde Street Harbor Vessel Pumpout Facilities
4. Grant Source Agency: Calif. Dept. of Boating & Waterways
5. Type of Funds: ☐ Federal ☒ Federal-State (Pass-Through) ☐ State ☐ Local ☐ Private
6. Proposed (New / Continuation) Grant Project Summary:

Vessel pumpout facilities for the proposed Hyde Street Harbor including a pumpout boat and a fixed pumpout station.

7. Amount of Grant Funding Applied for: \$86,500.-
8. Maximum Funding Amount Available: \$86,500.-
9. Required Matching Funds? Yes: ☐ No: ☒ / Cash or In-kind? \_\_\_\_\_

If yes, list dollar amount and identify source of Matching Funds in Department Budget:

10. Number of new positions created and funded: None

11. If new positions are created, explain the disposition of employees once the grant ends?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Are indirect costs eligible costs for this grant? Yes: \_\_\_\_\_ No: X

If yes, please identify the amount of \$ in indirect costs? \_\_\_\_\_

13. Amount to be spent on contractual services: \$86,500.

14. a.) Will contractual services be put out to bid? Yes

b). If so, will contract services help to further the goals of the department's MBE/WBE requirements? Yes, Follow all applicable requirements.

15. Is this likely to be a one-time or ongoing request for contracting out? One Time

16. Term of Grant: Start-Date: 8/1/98 End-Date: 12/30/2000

17. Date Department Notified of Available Funds: 6/2/98

18. Grant Application Due Date: \_\_\_\_\_

19. Grant Funding Guidelines and Options (selected from RFP, grant announcement or appropriations legislation):

*Reimbursement for cost and installation  
of vessel pumpout stations.*

20. Department Head Approval: \_\_\_\_\_  
(Name) (Title)

\_\_\_\_\_  
(Signature)

Item 3 - File 98-980

**Department:** Private Industry Council

**Item:** Resolution approving the San Francisco Federal Fiscal Year 1998 Refugee County Plan and authorizing the Private Industry Council of San Francisco, Inc. (PIC) to accept and expend Federal Refugee funds in an amount not to exceed \$1,500,000 in line with the Refugee County Plan; placing \$1,500,000 on reserve.

**Grant Amount:** \$1,500,000

**Grant Period:** October 1, 1998 through September 30, 1999 (one year)

**Source of Funds:** Federal Office of Refugee Resettlement

**Description:** The 1998 Refugee County Plan describes the services that the City, through the Private Industry Council (PIC), offers to refugees in San Francisco for the one year period from October 1, 1998 through September 30, 1999, in compliance with State funding requirements. The services include employment services, on-the-job training, skills training, case management, support services (such as transportation and childcare), and acculturation services designed to assist refugees in effectively utilizing basic welfare, housing, education and other services.

All of the funds for the above-mentioned services are provided by the Federal Office of Refugee Resettlement and are allocated to the City through the State Department of Social Services. The PIC, a non-profit organization, administers these funds on behalf of the City to refugees receiving public assistance, who have resided in the United States for 60 months or less.

Specifically, the refugee services include two components: the Refugee Cash Assistance Employment Services System and the Voluntary Temporary Assistance to Needy Families (TANF) Refugee Services Program.

The Refugee Cash Assistance Employment Services System component provides employment services primarily to refugees who receive cash assistance for eight

BOARD OF SUPERVISORS  
BUDGET ANALYST

months from the date of their application for such funds. Participation by such refugees in the PIC Refugee Cash Assistance Employment Services System is mandated by the Federal government.

The Voluntary TANF Refugee Services Program component provides employment and training services to refugees who receive TANF and have resided in the United States for 60 months or less. Participation by such refugees in the Voluntary TANF Refugee Services Program is voluntary.

Services are also provided to those refugees who are no longer receiving cash assistance, who have been in the United States for less than 60 months, when either program component has additional capacity and available funds.

Non-profit employment and training providers are selected by the PIC to deliver services to refugees in both components of the program. (See Comment No. 2)

**Budget:** A summary breakdown of the proposed budget, as provided by the PIC, is as follows:

Services Provided by Non-Profit Agencies

	<u>Current Allocation</u>	<u>With Supplemental Funds*</u>
Employment Services	\$376,896	\$460,054
On-the-Job Training	64,000	79,130
Skills Training	409,051	497,804
Case Management	111,448	135,981
Support & Acculturation Services	<u>86,124</u>	<u>108,106</u>
Subtotal	\$1,047,519	\$1,281,075
<u>PIC Administration</u>	<u>178,974</u>	<u>218,925</u>
Total Grant Amount	\$1,226,493	\$1,500,000

\*PIC has submitted an application to receive supplemental funds in the amount of \$273,507, which is still pending approval by the Federal Office of Refugee Resettlement.

**Comments:** 1. The total PIC administration budget of \$218,925 is 14.6 percent of the total grant. The funds will be used for

BOARD OF SUPERVISORS  
BUDGET ANALYST

staff salaries and fringe benefits of those staff assigned to the Administration, Operations, Fiscal, and Management Information Systems units responsible for the Refugee Employment Social Services (RESS) and Targeted Assistance (TA) programs.

2. According to Mr. Steve Arcelona of the PIC, on June 25, 1998 the PIC issued a Request for Proposal (RFP) to non-profit employment and training service providers for the delivery of the City's proposed refugee services. Mr. Arcelona advises that the proposals are due on July 23, 1998.

3. The proposed resolution would place on reserve the amount not to exceed \$1,500,000, pending the selection of the non-profit agency service providers, and submission of the cost details by the PIC.

4. The proposed approximate level of funding of \$1,500,000 from October 1, 1998 through September 30, 1999 is \$123,687 or approximately 9.0 percent higher than the 1997 Federal fiscal year level of funding of \$1,376,313.

5. Mr. Arcelona states that approximately 482 refugees will be served under the 1998 Refugee County Plan, 58 less than the estimated number that will be served under the 1997 Plan. According to Mr. Arcelona, this decrease is a result of an emphasis on providing more vocational training services, which are more expensive to provide, thereby resulting in a reduction in the number of refugees PIC is able to serve given a set level of funding.

6. The Grant Application Information Form, as prepared by the PIC, is attached to this report.

**Recommendation:** Approve the proposed resolution.

## Grant Application Information Form

A document required to accompany a proposed resolution  
 Authorizing a Department to Accept & Expend Grant Funds

To: **The Board of Supervisors**  
**Attn. Clerk of the Board**

The following describes the grant referred to in the accompanying resolution:

1. Department: Private Industry Council of San Francisco, Inc.
2. Contact Person: Steve Arcelona Telephone: (415) 431-8700
3. Project Title: Refugee Employment Social Services (RESS ) and Refugee Targeted Assistance (TA) Programs
4. Grant Source Agency: Federal Office of Refugee Resettlement (ORR)
5. Type of Funds: ☒ Federal ☐ Federal-State (Pass-Through) ☐ State ☐ Local  
☐ Private
6. Proposed (New/Continuation) Grant Project Summary:

ORR annually allocates federal RESS and TA funds to States and Counties. The Private Industry Council (PIC) subcontracts with culturally and linguistically appropriate community based agencies to provide employment and training programs and acculturation and social adjustment services to refugees who have been in the country five years or less.

7. Amount of Grant Funding Applied for: ..... \$1,500,000.00
8. Maximum Funding Amount Available: ..... \$1,500,000.00
9. Required Matching Funds: Yes: ☐ No: ☒ / Cash or In-Kind? ☐

If yes, list dollar amount and identify source of Matching Funds in Department Budget:

10. Number of new positions created and funded: ..... None
11. If new positions are created, explain the disposition of employees once the grant ends?



12. Are indirect costs eligible for this grant? Yes: \_\_\_\_ No: X

If yes, please identify the amount of \$ in indirect costs?

13. Amount to be spent on contractual services: ..... \$1,275,000.00

14. a.) Will contractual services be put out to bid? ..... Yes

b.) If so, will contract services help to further the goals of the department's MBE/WBE requirements? ... Yes

15. Is this likely to be a one-time or ongoing request for contracting out? ..... On-going

16. Term of Grant Start Date: 10/1/98 End Date: 9/30/99

17. Date Department Notified of Available Funds: May 18, 1998

18. Grant Application Due Date: NA

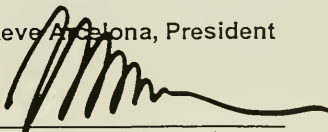
19. Grant Funding Guidelines and Options (Selection from RFP, grant announcement or appropriations legislation):

ORR has specified that these funds be used to provide employment and training and acculturation and social adjustment services to refugees who have been in the country five years or less.

ORR priorities in provision of services are:

1. All newly arriving refugees during their first year in the U.S., who apply for services;
2. Refugees who are receiving cash assistance;
3. Unemployed refugees who are not receiving cash assistance; and
4. Employed refugees in need of services to retain employment or to attain economic independence.

20. Department Head Approval: Steve Angelona, President

  
(Signature)



Item 5 – File 98-1070

- Department: Real Estate Department (DRE)  
Department of Parking and Traffic (DPT)
- Item: Ordinance rejecting all bids received for management of the Civic Center Plaza Garage, approving form of the Civic Center Plaza Garage Management Agreement and bid documents for rebid purposes, authorizing and urging the Director of Property to advertise an Invitation for Bids for management of the Civic Center Plaza Garage using the approved bid documents, and approving new parking rates for the Civic Center Plaza Garage as contained in the approved Management Agreement.
- Description: The Civic Center Plaza Garage is a City-owned parking facility with 843 parking spaces, located at 355 McAllister Street between Polk and Larkin Streets. Currently, the Garage is managed by Ampco System Parking, Inc., under a month-to-month holdover provision of a three-year Management Agreement, which expired on August 24, 1997. Attachment I is a memo from Mr. Steven Lee of the DPT, that explains why the existing Management Agreement has been held over on a month-to-month basis since August 24, 1997.
- Under the pending new Management Agreement for the Civic Center Plaza Garage, the Garage Operator is required to deposit all of the receipts from the Garage with the City. The City would pay the Garage Operator a specified monthly Management Fee. The Management Fee, payable by the City to the Garage Operator, would result from the lowest competitive bid submitted by the competing Garage Operators. The City's Management Fee payment to the Garage Operator would include (a) reimbursement for the routine operations and maintenance expenses of the Garage Operator and (b) payment for the Garage Operator's profit. Therefore, the parking companies that bid on this Management Agreement are to base their bids to accommodate both their costs to operate the garage as well as their anticipated profit. The new Management Agreement would also provide that the City would be responsible for

specified, non-routine maintenance costs<sup>1</sup> at the Garage, for which the City would reimburse the Garage Operator. Under the pending Management Agreement, the City would realize all net revenues, which is derived from the gross revenues less parking taxes, the Management Fee and the operating expenses.

The Board of Supervisors previously authorized the Real Estate Department to advertise for bids for management of the Civic Center Plaza Garage (File No. 98-253). On March 28, 1998 and March 31, 1998, the DRE publicly advertised in The Independent, an Invitation to Bid for the Management Agreement for the Civic Center Plaza Garage. On April 27, 1998 the DRE received the following bids for the monthly Management Fee to operate the Civic Center Plaza Garage:

<u>Name</u>	<u>Bid</u>	<u>Adjusted Bid*</u>
ABC Parking	\$28,333.00	\$25,499.70
Federal Auto Parks/ Allright Parking	39,120.00	35,208.00
Danas Parking	39,250.00	35,325.00
Five Star Parking	36,818.00	36,818.00
Pacific Park	48,872.78	43,985.51
Parking Concepts Inc	54,435.00	54,435.00
City Parking Company	57,781.79	57,781.79

\* Bids are adjusted to take into account Human Rights Commission preference points for local, minority and woman-owned businesses.

Approval of this proposed ordinance would result in the rejection of all of these bids. The DPT and DRE believe that a reduced level of service may have resulted if the contract had been awarded to one of the three low bidders. Attachment I, explains in further detail why all of the bids were rejected.

The term of the pending new Management Agreement for the Civic Center Plaza Garage would be five years. Upon mutual written agreement between the Director of the Parking Authority and the Garage Operator, the Management Agreement may be extended on a month-to-month basis for up to twelve months.

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<sup>1</sup> Non-routine maintenance costs would include expenses for signs, additional lighting, and installing utility meters.

The proposed ordinance would authorize the Real Estate Department to advertise, for the second time, an Invitation for Bids for management of the Civic Center Plaza Garage. Under the pending second Invitation for Bids for the new Management Agreement, Mr. Gerald Romani, of the DRE, states that the new bids from the prospective Parking Operators should be more realistic than the previously received bids because a minimum staff schedule is provided, staff salaries will be quantified and staff duties are further defined. The operating budget (including the Management Fee and other operating expenses less Parking Taxes) for the FY 1996-97 was \$695,275 or \$1,618.52 more than the highest bid of \$57,781.79/month or \$693,381.48/year received under the first Invitation for Bids.

The Parking and Traffic Commission has oversight responsibility for City-owned parking facilities. This responsibility includes reviewing the parking rates charged at City-owned parking facilities and making recommendations to the Board of Supervisors for changes in parking rates. This proposed ordinance would approve new parking rates for the Civic Center Plaza Garage. Attachment II provided by the DPT, compares the present and proposed parking rates. The rates proposed under this subject ordinance would become effective simultaneously with the commencement date of the new Management Agreement.

**Comments:**

1. According to Mr. Lee, in FY 1997-98, the estimated revenues for the Civic Center Plaza Garage total \$1,865,521, including \$1,559,488 in parking revenues and \$306,033 in Parking Taxes.

According to Mr. Lee the proposed increases in parking rates at the Civic Center Plaza Garage would result in estimated annual increased gross parking revenues of \$415,937, and an annual related increase in Parking Tax revenues of \$83,187 for a total net parking revenue increase of an estimated \$332,750 annually. Consequently, if the proposed parking rates are approved, total estimated annual parking revenues would be \$1,825,166 and annual Parking Tax revenues would be \$456,292, for total revenues of \$2,281,458 annually. Mr. Lee advises that, this estimated increase in annual revenues

to the City will result primarily from anticipated increased usage of the Civic Center Plaza Garage.

2. If this legislation is approved, the award of an agreement with a new Garage Operator for the management of the Civic Center Plaza Garage would be subject to subsequent approval by the Board of Supervisors in separate, future legislation.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.





LIE LEWIS BROWN, JR., Mayor  
JART R. SUNSHINE, EXECUTIVE DIRECTOR



## MEMORANDUM

July 1, 1998

To: Justine Nolan  
Budget Analyst's Office

From: Steven Lee *SL*  
Property Manager, Parking Authority

Jerry Romani *JR*  
Principal Real Property Officer, Real Estate Department

Re: Response to Inquiries on Proposed Resolution for  
The Re-Bid of the Civic Center Plaza Garage Contract

The term of the management agreement was continued on a month-to-month holdover basis due to the backlog in work in awarding the parking contracts at the Performing Arts Garage, St. Mary's Square Garage, and San Francisco General Hospital Parking Garage.

The Notice of Invitation for Bids was advertised in the Independent, the City's legal notice publication.

After meeting with each of the three low bidders, a minimum of two times, to review their proposed operating budget for management of the Civic Center Plaza Garage, the Department of Parking and Traffic and the Real Estate Department representatives both agreed that all the bids should be rejected. In order to minimize employee salaries and benefit expenses, the three low bidders planned to hire entry level parking attendants for most or all of the non-management positions and to either pay their management staff entry level salaries or no salary other than the incentive fee. If the contract were awarded to an operator with such hiring practices, a number of negative factors could result such as reduced level of service because of an inexperienced staff that would most likely be turned-over by the operator every six months to avoid having to pay employee benefits (health/pension/vacation), poor staff moral due to the high turnover and the great likelihood of less than desired on-site management due to below average compensation. In addition, none of the current employees would be retained.

The new Management Agreement now incorporates the retention of employees, garage staff schedule and additional services sections.



City and County of San Francisco



WILLIE LEWIS BROWN, JR., Mayor  
STUART R. SUNSHINE, EXECUTIVE DIRECTOR

## MEMORANDUM

The purpose of the proposed rate increase is to discourage long term transient parking to make spaces available for short term parking. We anticipate an increase in daily parking demand at the completion of the City Hall and State Building renovation projects.

cc: Ronald Szeto  
Deputy Director, Parking Authority



ELLIE LEWIS BROWN, JR., Mayor  
 GUARANT R. SUNSHINE, EXECUTIVE DIRECTOR



## MEMORANDUM

### Current Rate

#### TRANSIENT

7 a.m. to 7 p.m.

0-1 hour	\$1.00
1-2 hour	2.00
2-3 hour	3.25
3-4 hour	4.50
4-5 hour	6.00
5-6 hour	7.50
6-7 hour	9.00
7-8 hour	9.00
8-9 hour	9.00
24 hour	13.5

After 7 p.m.:

1 hour	1.00
2 hour	2.00
3 hour	3.25
4 hour	4.50
Student rate	4.50
Special Event	5.00
Motorcycle	1.00
Bicycle	0.25

#### MONTHLY

Regular	125.00
City Departments	60.00 (DPH Trial Rates)
Residential	90.00
Motorcycle	20.00

### Proposed Rate

Rates effective 24 hours

\$1.00
2.00
3.50
5.00
6.50
8.00
10.00
12.00
14.00
16.00

5.00

7.00

2.00

Free (for 180-day trial rate)

156.25

75.00

90.00 (not accepting any new  
accounts)

25.00



Memo to Economic Development, Transportation and Technology Committee  
July 7, 1998 Economic Development, Transp. and Technology Committee Meeting

Item 6 – File 98-126

**Item:** Hearing to consider authorizing free Municipal Railway services on New Year's Eve.

**Comment:** The Office of the Sponsor of this item has requested that this hearing be continued.

**Recommendation:** Continue this item as requested by the Office of the Sponsor.





Item 7 - File 98-1037

**Item:** Ordinance amending the San Francisco Administrative Code by adding Section 12D.2-6 and by amending Sections 12D.9(A), 12d.10(A), 12D.11(A), 12D.11(A)-(1) and 12D.15(G) to set forth findings supporting a two-month extension of the Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise (MBE/WBE/LBE) Ordinance-III and providing for a two-month extension.

**Description:** The proposed ordinance would extend the MBE/WBE/LBE Ordinance III, which is scheduled to expire August 31, 1998, for an additional two months, until October 31, 1998. The MBE/WBE/LBE Ordinance III, which became effective July 1, 1992, provides bid preferences to LBE, MBE and WBE firms bidding on contracts with the City, and provides for City-wide goals for MBEs and WBEs by industry. According to Section 12D.3 of the Administrative Code, the goals of the MBE/WBE/LBE Ordinance III are:

(1) to correct identified discriminatory practices inherent in the City's procurement process and in the award of prime contracts to MBE/WBE contractors;

(2) to develop the status and capability of MBE/WBE contractors as prime contractors of the City; and

(3) to offset some of the economic disadvantages which local businesses continue to face and which are not shared by non-local businesses. As stated in the Ordinance, the cost of locating and doing business in San Francisco continues to be as much as 15 percent and greater than the cost of doing business in the surrounding communities.

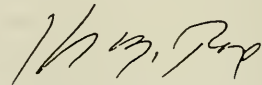
The purpose of the proposed two-month extension is to allow the Board of Supervisors, with the assistance of the Human Rights Commission and the City Attorney, to (1) complete the compilation and analysis of the data sufficient to ascertain whether a strong basis in evidence exists for concluding that the purposes identified in Section 12D.3 (enumerated above) have not been achieved, and (2) receive comment on proposed legislative changes, if any, to the Ordinance in light of the findings set forth in the final Disparity Study. The Disparity Study is designed to determine whether the three purposes of

the MBE/WBE/LBE Ordinance III, listed above, have been achieved.

The MBE/WBE/LBE Ordinance III was originally scheduled to expire June 30, 1997. The Board of Supervisors extended the Ordinance six months, until December 31, 1997. This extension was to allow for the completion of the Disparity Study (Ordinance 210-97). Subsequently, the Board of Supervisors extended the ordinance for two additional three-month periods (through March 31, 1998, and through June 30, 1998) and for one two-month period (through August 31, 1998) to allow (1) the San Francisco International Airport to provide comprehensive contracting data on its minority, women and local business participation for calendar years 1992 through 1995, (2) to collect, analyze, and report on contracting data for calendar years 1996 and 1997, and (3) to ensure the comprehensiveness of the subcontracting data regarding the participation of local minority- and women-owned businesses.

However, according to Ms. Zula Jones of the Human Rights Commission, additional time is needed to allow the City Attorney to perform a statistical and legal analysis and therefore this proposed amendment would extend the MBE/WBE/LBE Ordinance III by two additional months, through October 31, 1998.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki	Clerk of the Board
Supervisor Katz	Controller
Supervisor Leno	Gail Feldman
President Kaufman	Matthew Hymel
Supervisor Ammiano	Stephen Kawa
Supervisor Bierman	Ted Lakey
Supervisor Brown	
Supervisor Medina	
Supervisor Newsom	
Supervisor Teng	
Supervisor Yee	

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

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PUBLIC LIBRARYAGENDA

Action Table

REGULAR MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JULY 7, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS LESLIE KATZ, MARK LENO

ABSENT: SUPERVISOR YAKI

CLERK: GAIL JOHNSON

1. File 98-1097. [Grant - State Funds] Resolution authorizing the Executive Director of the Port of San Francisco to accept and expend \$86,500 of State funds from the State of California Department of Boating and Waterways for a vessel pumpout facility at the Hyde Street fishing harbor; and forgoing reimbursement of indirect costs; and authorizing the Port of San Francisco to hold the State of California harmless as required in the grant agreement. (Supervisor Bierman)

ACTION: Hearing held. Recommended.

2. File 98-0448. [Landmarks and Historic Districts] Ordinance amending Planning Code Section 1010, Property Owned by Public Agencies, to exempt Golden Gate Bridge, Highway and Transportation District from the requirements of Section 1010. (Supervisor Kaufman)

(Approved by Planning Commission Resolution No. 14633, adopted June 4, 1998.)

(General Rule Exclusion from Environmental Review.)

ACTION: Hearing held. Recommended.

3. File 98-0980. [PIC 1998 Refugee County Plan] Resolution approving the San Francisco Federal Fiscal Year 1998 Refugee County Plan and authorizing the Private Industry Council of San Francisco, Inc. to accept and expend federal refugee funds in an amount not to exceed \$1,500,000 in line with the Refugee County Plan; placing \$1,500,000 on reserve. (Private Industry Council)

ACTION: Hearing held. Recommended.

4. File 98-0987. [Encroachment Permit, 2290 Geary Boulevard] Resolution granting revocable permission to M.A. Mortenson Company for a one-year extension to temporarily close and occupy the south sidewalk and a portion of the street area on Garden Street and the east sidewalk and a portion of the street area on Broderick Street between Geary Boulevard and Garden Street and between Garden Street and Post Street during construction operations for the Kaiser Foundation Health Plan Medical Offices at 2290 Geary Boulevard. (Department of Public Works)

ACTION: Hearing held. Recommended.

5. File 98-1070. [Management Agreement, Civic Center Plaza Garage] Ordinance rejecting all bids received for management of the Civic Center Plaza Garage, approving form of Civic Center Plaza Garage management agreement and bid documents for rebid purposes, authorizing and urging the Director of Property to advertise an invitation for bids for management of the Civic Center Plaza Garage using the approved bid documents, and approving new parking rates for the Civic Center Plaza Garage as contained in the approved management agreement. (Real Estate Department)

ACTION: Hearing held. Recommended.

6. File 98-0126. [Free Muni Service on New Year's Eve] Hearing to consider authorizing free Municipal Railway services on New Year's Eve. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

7. File 98-1037. [Minority/Women/Local Business Utilization Ord. III] Ordinance amending Administrative Code by adding Section 12D.2-6 and by amending Sections 12D.9(A), 12D.10(A), 12D.11(A), 12D.11(A)-(1) and 12D.15(G) to set forth findings supporting a two month extension of the MBE/WBE/LBE Ordinance-III and providing for the two month extension. (Supervisor Brown)

ACTION: Recommended.

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-0991. [Street Tree Removal] Ordinance amending Public Works Code by amending Sections 802, 806 and 809 to expand the public notice and appeal procedures regarding street tree removal by City agencies, commissions or departments and to permit the imposition of specified fees to compensate for the removal of a nuisance street tree; companion measure to Files 98-0992, 98-0993, 98-0994. (Supervisors Katz, Bierman), 30-Day Rule expires on July 15, 1998.

File 98-0992. [Street Tree Removal Appeal Fee] Ordinance amending Municipal Code, Part III, by amending Section 8 to establish a fee for filing an appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission or department; companion measure to File 98-0991. (Supervisors Katz, Bierman), 30-Day Rule expires on July 15, 1998.

File 98-1038. [Excavation in the Public Right-of-Way] Ordinance amending Public Works Code by repealing Article 8 (Excavations in Streets), repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires and Conduits), and adding Article 2.4 (Excavation in the Public Right-of-Way) including Section 2.4.44 to impose a new street damage restoration fee; authorizing establishment of the Street Construction Coordination Center and requesting other official actions in connection therewith; making findings for these amendments; and amending Article XIII of Chapter 10 by adding Section 10.117-119 to create a fund for collection of street damage restoration fees and adding Section 10.117-120 to reestablish the excavation fund for the collection of other deposits, fees, and penalties imposed by Article 2.4. (Supervisors Katz, Bierman), 30-Day Rule expires on July 22, 1998.

File 98-1039. [Paratransit] Ordinance amending Police Code by adding Section 1147.8, requiring all taxicab color schemes to participate in the City's Paratransit Program. (Supervisor Newsom), 30-Day Rule expires on July 22, 1998.

File 98-1040. [Taxicab Lease Fees] Ordinance amending Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance. (Supervisor Newsom), 30-Day Rule expires on July 22, 1998.

File 98-0564. [Bicycle Transit Enhancement Plan] Substitute ordinance amending Traffic Code by adding Article 5B, Section 110 to protect the integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155.1 to clarify definition and obligations of responsible City official and landlord and deleting obsolete implementation schedule provisions, by adding Section 15.2 to require bicycle parking in city-owned parking facilities and privately owned parking garages and Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; and repealing Traffic Code Sections 97 and 99. (Supervisor Katz), 30-Day Rule expires on July 29, 1998.

Watch future calendars for matters.







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/98  
CITY AND COUNTY



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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

July 17, 1998

TO: Economic Development, Transportation and Technology Committee

FROM: Budget Analyst *Recommendations for meeting of*

SUBJECT: July 21, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 1 – File 98-1139

Department: Port

Item: Resolution authorizing the Port to hold Blue Star (North America) Limited and Columbus Line USA, Inc. harmless from all claims arising from an agreement with the Port Commission for the use of marine terminal facilities at Pier 80.

Description: The proposed resolution would authorize an indemnification provision to be added as an amendment to the Marine Terminal Agreements ("Agreements"), dated June 23, 1998, (File No. 98-1139), entered into between the Port and Blue Star (North America) Limited and Columbus Line USA, Inc., two shipping line companies which offer a joint service between the U.S. west coast and Australia, New Zealand, Fiji, and Tahiti. According to Mr. Neil Sekhri, of the City Attorney's Office, while they offer a joint service, Blue Star (North America) Limited and Columbus Line USA, Inc. elected to sign separate agreements with the Port for each of their

companies. Mr. Sekhri states that these agreements do not require the approval of the Board of Supervisors because of a November 1997 amendment to the Charter which exempts leases pertaining to maritime use under the jurisdiction of the Port Commission from Board of Supervisors approval.

However, Mr. Sekhri advises that the proposed indemnification provision, which would be contained in the Agreements, requires approval of the Board of Supervisors. The text of the proposed indemnification provision is as follows:

*Port and City agree to indemnify, defend and hold Blue Star (North America) Limited and Columbus Line USA, Inc., its vessels, owners or agents harmless from and against any and all losses, expenses, claims, actions, or liabilities to the extent the same is caused by the negligence or the willful misconduct of Port or City.*

Under the Agreements, the Port would allow Blue Star (North America) Limited and Columbus Line USA, Inc. to use the Pier 80 marine terminal for weekly service to move cargo through the Port. Both Agreements include the following provisions: (1) a five year term commencing on June 25, 1998; (2) wharfage rates based on a per unit charge that decreases as cargo volume increases; and (3) dockage rates offering a 40% discount from the Port's Tariff No.4, the Port's general code of rules, rates, and regulations.

Comments:

1. The two Agreements contain an indemnity clause whereby Blue Star (North America) Limited and Columbus Line USA, Inc. agree to indemnify the Port and City for claims resulting from their actions or omissions under the terms of the Agreements, as shown in the Attachment to this report.

2. According to Ms. Louise Anderson of the Port's Tenant and Maritime Services, under the terms of the Agreements, annual wharfage, dockage, and crane rental

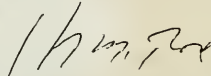
revenues payable to the Port from the joint service offered by Blue Star (North America) Limited and Columbus Line USA, Inc. through the Marine Terminal Corporation, the Port's partner who is responsible for operating the terminal, are estimated to total approximately \$316,000. Ms. Anderson states that the Port's partnership with the Marine Terminal Corporation is for a maritime use under the jurisdiction of the Port Commission and therefore, as previously noted, is not subject to approval of the Board of Supervisors.

3. Mr. Sekhri states that the Port's standard exculpation clause, under which the subject shipping companies waive all claims against the Port and City, including claims due to the Port's or City's negligence, has been previously deleted from the existing Agreements, as requested by Blue Star (North America) Limited and Columbus Line USA, Inc.

4. The Agreements contain clauses which allow Blue Star (North America) Limited and Columbus Line USA, Inc. to terminate their respective Agreements with the Port upon 30-days prior written notice, if the Board of Supervisors disapproves the addition of the subject indemnification provision.

5. Mr. Sekhri advises that the subject indemnification provisions would not place the Port or the City at undue risk, and would only indemnify Blue Star (North America) Limited and Columbus Line USA, Inc. in those cases wherein an agent of the Port or the City has been negligent or engaged in willful misconduct.

**Recommendation:** Approval of the proposed resolution is a policy matter for  
the Board of Supervisors

  
Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

(b) General Indemnity. Carrier agrees to indemnify, hold harmless and defend, the City and Port and their officers, agents and employees, against any and all claims, judgments, losses, costs, damages, penalties, fines or liabilities of whatever kind (collectively "Claims") arising in any manner out of any injury to or death of any person or damage to or destruction of any property occurring in, on, under or about the Facilities, or any part thereof, whether to the person or property of Carrier, its employees, agents, consultants, contractors, or subcontractors (collectively "Agents"), or third persons, resulting from any use or activity of Carrier or its Agents under this Agreement, (ii) any failure by Carrier to faithfully observe or perform any of the terms, covenants or conditions of this Agreement, or (iii) the use of the Facilities or any activities conducted thereon under this Agreement by Carrier or its Agents; except only to the extent of Claims resulting directly from the negligence or willful misconduct of the City or Port or either's authorized representative.

(c) Toxics Indemnity. Carrier agrees to indemnify, hold harmless and defend the City and Port and their officers, agents and employees, from and against any and all claims, demands, actions, causes of actions or suit (actual or threatened), losses, costs, expenses, obligations, liabilities, or damages, including interest, penalties, diminution in value of the facilities, engineering consultant and attorneys fees of every kind, nature and description, (collectively "Toxics Claims") resulting from any Release of a Hazardous Material caused by or allowed by Carrier or its agents whether or not the Hazardous Materials at the Facilities were present prior to execution of this Agreement; (ii) any requirement of a regulatory agency for investigation or remediation of any Hazardous Materials at the Facilities arising out of or in connection with the activities under this Agreement; or (iii) any breach of or failure to duly perform or observe any term, covenant or agreement in this Agreement to be performed or observed by Carrier, including but not limited to, any violation of any Environmental Law; except only to the extent of Toxic Claims resulting directly from the negligence or willful misconduct of City or Port or either's authorized representative. "Environmental Laws" means present or future any federal, state or local laws, ordinances, regulations or policies relating to Hazardous Material (including, without limitation, their use, handling, transportation, production, disposal, discharge or storage) or to health and safety, industrial hygiene or environmental conditions in, on, under or about the Permit Area, including, without limitation, soil, air, bay water and groundwater conditions.

(d) The indemnity obligations in paragraph 7(b), 7(c) and 7(e) shall include reasonable attorneys' fees, investigation costs and all other reasonable costs and expenses incurred by the indemnified party from the first notice that any Claim or Toxics Claim is or may be made. The provisions of this paragraph shall survive termination of this Agreement.

(e) Parties agree that subject to the approval of the Board of Supervisors of an indemnity by Port and City in favor of Carrier, the parties will enter into an amendment to this Agreement substantially in the form of Exhibit A attached hereto. If the indemnity is not approved by the Board of Supervisors, then Carrier will have the right to terminate this Agreement upon thirty (30) days prior written notice to Port, to be delivered to Port no later than ten days after the action by the Board of Supervisors disapproving the indemnity.

(f) In addition to Carrier's obligation to indemnify and hold harmless the City and Port, Carrier specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City and Port from any Claim or Toxics Claim which actually or potentially falls within the indemnification provisions of paragraph 7(b) or 7(c), even if the allegations are or may be groundless, false or fraudulent. Carrier's obligations to defend shall





Item 2 – File 98-663

**Item:** Ordinance amending Part I of the San Francisco Municipal Code (Administrative Code) by adding Chapter 83, encompassing Sections 83.1 through 83.18, to establish specific requirements, procedures and monitoring for the First Source Hiring of Qualified Economically Disadvantaged Individuals for entry level positions, applicable to City contracts, City property contracts (i.e., the leasing of space owned or controlled by the City to outside parties), building permits and planning approvals for commercial development projects.

**Description:** The Federal welfare reform law adopted in 1996 requires States to meet workforce participation rate targets or face monetary penalties, which would be passed on to the counties that are out of compliance. Federal and State welfare reform also established time limits for welfare recipients, thereby requiring that they eventually achieve self-sufficiency by securing permanent employment. Counties are responsible for assisting welfare recipients in acquiring job training, support services and employment.

In FY 1997-98, the City and County of San Francisco, through the Department of Human Services (DHS), began implementation of welfare-to-work programs as part of welfare reform. One feature of DHS's welfare-to-work programs is the formation of new initiatives to identify entry-level jobs for economically disadvantaged persons and to improve the quality of local workforce preparation. In line with these objectives, the proposed legislation would establish the First Source Hiring Program, which would require that jobs created as a result of City contracts, financing or land-use decisions be accessible to economically disadvantaged persons. Descriptions of each of the main components of the proposed ordinance are provided below.

**First Source Hiring Administration**

The proposed ordinance would establish the First Source Hiring Administration (FSHA), to consist of the following members (or their designees): the Mayor, the Executive

Director of DHS, the Director of the Mayor's Office of Community Development (MOCD), the President of the Private Industry Council (PIC), and other City department or agency representatives appointed by FSHA from time to time. The FSHA would be responsible for the implementation, oversight, and monitoring of First Source Hiring requirements, including:

- Providing assistance to individual City departments in designing First Source Hiring Implementation and Monitoring Plans (see description below);
- Working with the Department of City Planning and the Department of Building Inspection to establish conditions based on First Source Hiring Agreements (see description below) for development projects;
- Working with employers and unions to identify entry level positions for Qualified Economically Disadvantaged Individuals;
- Managing the San Francisco Workforce Development System, a system to be established by the FSHA for the purposes of maintaining a pool of qualified applicants and a mechanism by which such individuals could be certified and referred to prospective employers;
- Determining appropriate monitoring and enforcement mechanisms;
- Developing written regulations to implement First Source Hiring;
- Entering into cooperative agreements with other San Francisco governmental agencies, including the Housing Authority, the Redevelopment Agency, the In-Home Supportive Services (IHSS) Public Authority and the Parking Authority, consistent with the purpose of this ordinance;
- Conducting independent audits of City departmental implementation, monitoring and enforcement of the requirements of the proposed ordinance; and
- Preparing an annual report on the progress of the First Source Hiring Program for the Mayor and the Board of Supervisors.

### First Source Hiring Implementation and Hiring Plans

City departments would be responsible for developing an overall First Source Hiring Implementation and Monitoring Plan, to be approved by the FSHA. Once the FSHA approves this plan, the department would not be required to seek approval from the FSHA when the department awards specific contracts or permits unless otherwise instructed in the plan. If a department is required to comply with Federal or State hiring program regulations that meet or exceed the requirements of the proposed ordinance, compliance with such regulations would be deemed to be sufficient to comply with this ordinance. The FSHA may require regular reports by City departments as part of each plan.

### Workforce Development Advisory Committee

The proposed ordinance would establish a Workforce Development Advisory Committee to advise the FSHA on workforce development, employment needs, program policy, design, implementation, oversight and monitoring. Members of this advisory committee would be appointed by the Mayor and would consist of representatives of community based organizations, labor, the business community and City departments. Members would serve a one-year term, with the potential for reappointment.

### First Source Hiring Requirements for Contracts and Permits for Commercial Development

As a condition for entering into a contract with the City or receiving permits for publicly or privately funded development projects, the contractor/developer would be required to enter into a "First Source Hiring Agreement" with the City, which would:

- Establish appropriate hiring and retention goals for entry level positions created as a result of the contract or development project. Employers would be required to demonstrate that good faith efforts were made in attempting to achieve these hiring and retention goals.

- Set First Source interviewing, recruitment and hiring requirements for employers which would provide the San Francisco Workforce Development System<sup>1</sup> with the first opportunity (for a period of up to 10 days) to provide Qualified Economically Disadvantaged Individuals for consideration for employment for entry level positions. Employers would retain the sole discretion to interview and/or hire individuals referred by the Workforce Development System.
- Establish requirements for providing notification of available entry level positions to the San Francisco Workforce Development System to allow for the training and referral of an adequate pool of Qualified Economically Disadvantaged Individuals to participating employers.
- Set appropriate record-keeping and monitoring requirements; establish guidelines for good faith efforts to comply with First Source Hiring requirements; and set appropriate enforcement and sanctioning standards.

Employers would make the final determination of whether an Economically Disadvantaged Individual referred by the San Francisco Workforce Development System is qualified for the position. In addition, if the FSHA concluded that compliance with the proposed ordinance would cause economic hardship to an employer, the FSHA could grant an exception to any or all requirements of this ordinance.

#### Violation of First Source Hiring Requirements

Employers would be subject to a payment to the City of liquidated damages in the amount of \$2,070 for every new hire for an entry level position improperly withheld from the First Source Hiring process. In addition, employers could be subject to other sanctions as provided for in Administrative Code Sections 6.52, 6.58, 6.60, and/or Building Code Section 104.2, such as the termination of

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<sup>1</sup> As noted earlier, the San Francisco Workforce Development System would be established by the FSHA for the purposes of maintaining a pool of qualified applicants and a mechanism by which such individuals could be certified and referred to prospective employers.

contracts, disqualification from future contracts and/or "stop work" orders. Employers would have the opportunity to show good cause for noncompliance, such as a lack of qualified applicant referrals, delays beyond the control of the employer, urgent hiring needs or other good cause. The FSHA would also be required to establish procedures to allow employers to respond to any complaints of noncompliance prior to the imposition of sanctions.

### Records

Employers subject to the proposed ordinance would be required to maintain and provide the FSHA with the records necessary to document compliance with the requirements set forth in the First Source Hiring Agreement between the employer and the City.

### Collective Bargaining Agreements

The proposed ordinance states that if a First Source Hiring Agreement conflicts with an existing collective bargaining agreement to which the employer is a party, the collective bargaining agreement would prevail. However, the employer would still be obligated to provide workforce needs information to the San Francisco Workforce Development System and to make good faith efforts to comply with the requirements of its First Source Hiring Agreement that do not conflict with the collective bargaining agreement.

### Comments:

1. Ms. Amanda Feinstein of DHS advises that one existing employee would be assigned to staff the FSHA. Ms. Feinstein further advises that, in the first year, any additional administrative costs incurred as a result of implementing the proposed ordinance would be funded with existing resources in City departments' current budgets. Ms. Feinstein advises that this budget mechanism would be reevaluated in subsequent years of the First Source Hiring Program.

2. Implementation of the First Source Hiring Program would take place in two phases. In Phase I, First Source Hiring Agreements would be negotiated for public works contracts, property contracts, grants or loans issued by

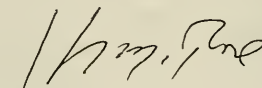


the Mayor's Office of Housing (MOH) or the Mayor's Office of Community Development (MOCD), and permits issued for commercial development of more than 50,000 square feet. Phase II, which would commence 24 months after implementation of Phase I, would require First Source Hiring Agreements for all of the above, plus City grants and loans in excess of \$200,000, contracts for services greater than \$200,000, procurement contracts made by the Purchaser, and permits issued for commercial development of more than 25,000 square feet. Sole source contracts would be exempt in both phases.

3. Under current law, a variety of City, State and Federal tax incentives are available to employees who hire Qualified Economically Disadvantaged Individuals, including (a) a City payroll tax credit of 100 percent in the first year and 50 percent in the second year to businesses that create new permanent jobs or relocate existing jobs to the City; (b) a State payroll tax credit of 100 percent in the first two years, declining over the next eight years, for businesses in designated Enterprise Zones that create new jobs for qualified individuals; and (c) Federal Welfare-to-Work Tax Credits and the Work Opportunity Tax Credit.

**Recommendation:**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

  
Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom

Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

BOARD OF SUPERVISORS  
BUDGET ANALYST



JUL 28 1998

SAN FRANCISCO  
PUBLIC LIBRARYAGENDA... Action TakenREGULAR MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JULY 21, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

ABSENT: SUPERVISOR KATZ - ITEMS 3 (FOR VOTE), 4 AND 5

CLERK: GAIL JOHNSON

1. File 98-1139. [Hold Harmless Agreement] Resolution authorizing the Port of San Francisco to hold Blue Star (North America) Limited and Columbus Line USA, Inc. harmless from all claims arising from an agreement with the San Francisco Port Commission for use of marine terminal facilities at Pier 80. (Port)

ACTION: Hearing held. Recommended.

2. File 98-0663. [First Source Ordinance] Ordinance amending Administrative Code by adding Chapter 83, Sections 83.1 through 83.18, to establish specific requirements, procedures and monitoring for first source hiring of qualified economically disadvantaged individuals for entry level positions, applicable to city contracts, city property contracts and building permits and planning approvals for commercial development projects. (Supervisors Yaki, Bierman)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Yaki, adopted. Further amended. (See file for details.) New Amendment of the Whole prepared in Committee. Recommended as amended.

3. File 98-1135. [Draft Report "Central Freeway North-South Access"] Hearing to consider the Draft report entitled "Central Freeway North-South Access Study" recently prepared by the Department of Parking and Traffic (DPT) in cooperation with CALTRANS. (Supervisor Katz)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

4. File 98-0969. [Alemany Farmers Market] Hearing to consider general issues relating to the Alemany Farmers Market. (Supervisor Ammiano)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

5. File 98-0970. [Market Street Corridor] Hearing to consider sanitation issues along the Market Street Corridor, including the exploration of the hours of operation of public toilets along Market Street as well as what steps can be taken to ensure the accessibility of indigent and homeless individuals to those toilets. (Supervisor Brown)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

#### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-1038. [Excavation in the Public Right-of-Way] Ordinance amending Public Works Code by repealing Article 8 (Excavations in Streets), repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires and Conduits), and adding Article 2.4 (Excavation in the Public Right-of-Way) including Section 2.4.44 to impose a new street damage restoration fee; authorizing establishment of the Street Construction Coordination Center and requesting other official actions in connection therewith; making findings for these amendments; and amending Article XIII of Chapter 10 by adding Section 10.117-119 to create a fund for collection of street damage restoration fees and adding Section 10.117-120 to reestablish the excavation fund for the collection of other deposits, fees, and penalties imposed by Article 2.4. (Supervisors Katz, Bierman), 30-Day Rule expires on July 22, 1998.

File 98-1039. [Paratransit] Ordinance amending Police Code by adding Section 1147.8, requiring all taxicab color schemes to participate in the City's Paratransit Program. (Supervisor Newsom), 30-Day Rule expires on July 22, 1998.

File 98-1040. [Taxicab Lease Fees] Ordinance amending Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance. (Supervisor Newsom), 30-Day Rule expires on July 22, 1998.

File 98-0564. [Bicycle Transit Enhancement Plan] Ordinance amending Traffic Code by adding Article 5B, Section 110 to protect the integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155.1 to clarify definition and obligations of responsible City official and landlord and deleting obsolete implementation schedule provisions, by adding Section 15.2 to require bicycle parking in city-owned parking facilities and privately owned parking garages and Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; and repealing Traffic Code Sections 97 and 99. (Supervisor Katz), 30-Day Rule expires on July 29, 1998.

File 98-1121. [Zoning Map Amendment-South of Market] Ordinance amending the Zoning Map of the City and County of San Francisco for the property located within that area generally bounded by Howard Street to the north, Thirteenth Street to the west, Eighth Street to the east and Bryant Street to the south, and including portions of Folsom Street between Eighth and Sixth Streets, to reclassify portions of the property therein to South of Market Nighttime Entertainment Special Use District and the core entertainment subdistrict. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1122. [Zoning - South of Market Nighttime Entertainment] Ordinance amending Planning Code by adding a new Section 249.21 to establish a South of Market Nighttime Entertainment Special Use District in the area generally bounded by Howard, Thirteenth, Bryant and Eighth Streets, and including portions of Folsom Street between Sixth and Eighth Streets, and a core entertainment special use subdistrict along certain portions of Eleventh and Folsom Streets; amending Planning Code Sections 816 and 817 and Tables 816 and 817 to cross-reference the South of Market Nighttime Entertainment District; amending Planning Code Section 161 to modify the residential and live/work parking requirement in the core entertainment subdistrict; amending Building Code by adding a new Section 104.7 to authorize the Department of Building Inspection to enforce the noise standards contained in Planning Code Section 249.21; and making determination of consistency with the priority policies of the Planning Code Section 101.1(B). (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1123. [Police Code - Folsom Street District Noise Levels] Ordinance amending Article 1 of the Police Code by adding Section 49.1, creating an exception to noise limits for cabaret license holders and place of entertainment and dancehall permit holders in the Folsom Street and Eleventh Street area. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1124. [Planning Code – Sound Attenuation in Live/Work Units]  
Ordinance amending Planning Code Sections 102.13 and 233 to require that live/work units be constructed with sufficient sound attenuation to reduce exterior noise of 80 decibels to 45 decibels in the interior of the unit, amending Building Code by adding a new Section 104.8 to authorize the Department of Building Inspection to enforce the acoustic construction standards contained in Planning Code Sections 102.31 and 233; and making determination of consistency with the priority policies of Planning Code Section 101.1. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

Watch future calendars for scheduling of these matters.

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

July 31, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** August 4, 1998 Economic Development, Transportation and  
Technology Committee Meeting

Item 1 - File 98-1242

**Department:** Department of Public Transportation (MUNI)

**Item:** Hearing to consider the release of reserved funds for the  
Department of Public Transportation, in the amount of  
\$903,750, to fund the Cable Car Reconstruction Project.

**Amount:** \$903,750

<b>Source of Funds:</b>	Federal Section 9 Capital Assistance	\$723,000
	Bridge Tolls	90,375
	San Francisco Municipal Railway	<u>90,375</u>
	Improvement Corporation	

<b>TOTAL</b>	<b>\$903,750</b>
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**Description:** In April of 1996, the Board of Supervisors authorized acceptance and expenditure of \$79,114,441 from Federal and State grants and local matching sources to fund 13 MUNI projects (File 213-96-3), which have been identified as priorities in the Municipal Railway Short-Range Transit Plan. One of the projects calls for \$903,750 for Cable Car



Reconstruction. Of the \$79,114,441, \$73,345,000 of these funds, including the \$903,750 for Cable Car Reconstruction, was placed on reserve pending submission of budget details.

The Finance Committee subsequently authorized the release of funds in the amount of \$9,311,391 for various projects, leaving a current balance on reserve of \$64,033,609.

According to Mr. Jerry Levine of MUNI, the Cable Car Reconstruction Project involves three types of Cable Car Reconstruction: major rebuilding, major overhauling, and minor overhauling. According to Mr. Levine, the Cable Car Reconstruction Project will provide for the reconstruction of MUNI's entire fleet of 39 Cable Cars over a 10-year period, which began in FY 1993-94. Since FY 1993-94, MUNI has completed the major rebuilding of five Cable Cars, the major overhauling of three Cable Cars, and the minor overhauling of six Cable Cars, for a total of 14 Cable Car reconstructions.

Over the next 18 months, MUNI plans to complete the major rebuilding of two Cable Cars, the major overhauling of two Cable Cars, and the minor overhauling of four Cable Cars, for a total of eight Cable Car reconstructions.

**Comment:** Mr. Levine has requested that this item be continued to the August 18, 1998 meeting of the Economic Development, Transportation, and Technology Committee in order to provide budget details for the subject request for the Cable Car Construction Project.

**Recommendation:** In accordance with the Department's request, continue this item to the August 18, 1998 meeting of the Economic Development, Transportation, and Technology Committee.



Item 2 - File 98-1243

**Department:** Department of Public Transportation (MUNI)

**Item:** Hearing to consider the release of reserved funds for the Department of Public Transportation, in the amount of \$4,935,550, to fund the upgrade and rehabilitation of the overhead electrification system on the 1-California Trolley Coach Line.

**Amount:** \$4,935,550

<b>Source of Funds:</b>	Federal Section 9 Capital Assistance	\$3,948,440
	Bridge Tolls	<u>987,110</u>

TOTAL	\$4,935,550
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**Description:** In April of 1997, the Board of Supervisors authorized acceptance and expenditure of \$135,565,093 from Federal and State grants and local matching funds for 10 MUNI projects (File 213-97-1), which have been identified as priorities in the Municipal Railway Short-Range Transit Plan. Of the \$135,565,093, \$71,987,215 of these funds, including the \$4,935,550 for the 1-California Trolley Overhead Reconstruction Project, was placed on reserve pending submission of budget details.

Attachment I, prepared by Mr. Jerry Levine of MUNI, provides additional information about the 1-California Trolley Overhead Reconstruction Project. The 1-California Line extends along California Street from Market Street to 32<sup>nd</sup> Avenue. Reconstruction will take place along the entire route.

**Budget:** The following summarizes the budget for this request of \$4,935,550:

Construction Contract	\$4,735,550
PG&E Work Order	<u>200,000</u>
TOTAL	\$4,935,550

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Budget details to support the proposed release of reserved funds are shown in Attachment II provided by MUNI. Total project costs of \$7,138,867 for the 1-California Trolley Overhead Reconstruction Project are contained in Attachment III provided by MUNI.

**Comments:**

1. The proposed release of the \$4,935,550 in reserved funds will be used for the reconstruction contract and related construction work.

2. As noted above, total project costs are \$7,138,867. In addition to this subject request of \$4,935,550 in Federal Capital Assistance and Bridge Tolls, the project includes \$2,203,317 in funding from the following sources:

Federal Section 9 Capital Assistance	\$1,403,110
San Francisco County Trans. Sales Tax	529,000
State Traffic Systems Management Funds	183,458
Hetch Hetchy Funds	81,859
Bridge Tolls	<u>5,890</u>

TOTAL	\$2,203,317
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3. MUNI plans to award a construction contract through a competitive bid process. Mr. Levine reports that MUNI will issue an Invitation for Bids to contractors in October of 1998. The award of the contract is expected to be made by January of 1999, and construction is expected to begin in February of 1999. According to Mr. Levine, MUNI estimates that the construction work will be completed in 15 months, or by May of 2000.

**Recommendation:**

Approve the release of reserved funds in the amount of \$4,935,550.

REVISED

7/29/98

**No. 1 California Line Overhead Reconstruction Project**

The purpose of this project is to replace the overhead system for the No. 1 California Line. Some of the construction activities include replacement of trolley wires, trolley poles, tangent spans and special work at intersection, which have deteriorated beyond repair. The estimated cost for the construction contract is \$4,735,550. Bid is scheduled for October 1998 with award expected in January 1999. Construction is anticipated to begin in February 1999 and will be completed in 15 months.

This project also includes a work order to Pacific Gas & Electric Co. (PG&E) for transferring streetlights to the new trolley poles. The estimated cost for this work order is \$200,000 and the work will be folded into the construction schedule above.

Trolley Overhead Reconstruction Project	
Description	Estimated Cost
Replace Overhead Contact System at Special Work Intersection	\$ 1,520,350.00
Furnish & Install Tangent, Feeder, & Equalizer Spans	\$ 830,000.00
Furnish & Install Trolley Poles	\$ 1,320,000.00
Furnish & Install Streetlights	\$ 65,200.00
Furnish & Install Traffic Signal Lights	\$ 280,000.00
Furnish & Install Ductbank	\$ 400,000.00
PG&E Work Order to Transfer Streetlights	\$ 200,000.00
Incidental Work Items (e.g. micel. Overhead removal, construct handicap ramps, mobilization & demobilization, etc.)	\$ 320,000.00
Total Construction Contract	\$ 4,935,550.00

TROLLEY OVERHEAD REHABILITATION  
PROJECT BUDGET

• MUNI Labor	1,714,737
• Construction Contract	4,735,550
• Other City Department Work Orders	20,000
• PG&E Work Order	200,000
• Consultant	50,000
• Contingency	<u>418,580</u>
TOTAL	\$7,138,867





Item 9 and 10 - File 98-991 and File 98-992

**Note:** The Sponsor's Office advises that an Amendment of the Whole of the proposed ordinance (File 98-991) will be introduced at the August 5, 1998 Finance Committee meeting. This report is based on the Amendment of the Whole.

**Department:** Department of Public Works (DPW)

**Item:** File 98-991. Ordinance amending Part II of the Municipal Code (Public Works Code) by amending Sections 802, 806 and 811 of Article 16 (Urban Forestry) to expand the public notice and appeal procedures regarding street tree removal by City agencies, commissions or department and to establish a notification process and enforcement mechanism for violations of the Urban Forestry Ordinance.

File 98-992. Ordinance amending Part III of the Municipal Code (Revenue and Finance/Business Regulations) by amending Section 8 to establish a fee for filing an appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission or department.

**Description:** File 98-991. Section 806 (a) (2) of the Public Works Code governs removal of street trees by the Department of Public Works. It currently provides for 10 days notice prior to tree removal. The affected tree is posted and the abutting property owner is notified in writing. During this 10-day period, any person may protest the tree removal. If protest is filed, the Director of DPW holds a public hearing to receive testimony. Prior to this proposed ordinance, the Director's decision was final and nonappealable.

(A) The proposed ordinance amends Section 806 of the Public Works Code as follows:

(1) Prior to the removal of any street tree, DPW would give 30 days (previously 10 days) written notice to the

owner of the property abutting the affected tree. DPW would also be required to post a notice on the affected tree 30 days prior to the removal date (previously 10 days).

- (2) DPW would be required to notify all Interested Organizations and occupants of properties that are on or across from the block face where the affected tree is located, 30 days prior to the removal date. Section 802 is amended to add the definition of an Interested Organization as an organization or individual that has made a written request to DPW for notification of proposed street tree removals in a specified neighborhood(s).
- (3) The period for appeals of proposed street tree removals would be expanded from 10 to 30 days. If a written objection is filed with DPW within the 30-day time period, the Director of DPW shall hold a hearing to consider public testimony concerning the proposed tree removal. Notice of an appeal hearing would be published in the newspaper and sent to the objecting party, the abutting property owner and all Interested Organizations.
- (4) The Director of DPW's decision on tree removal may be appealed to the Board of Appeals (previously the decision was nonappealable).
- (5) The proposed ordinance adds a new Section 806(4) that provides that DPW may remove nuisance trees with 15 days notice, rather than the standard 30 day notice provisions that apply to the removal of other trees by the Department.
- (6) In addition, the proposed ordinance adds a new Section 806(a)(5) relating to emergency tree removal. In the case of manifest danger and immediate necessity, DPW may remove a street tree immediately. After an emergency removal, DPW would make reasonable efforts to notify owners and occupants of properties that are on or across from the block face

where the affected tree is located and Interested Organizations of the necessity for such action.

(7) The proposed ordinance also adds a new Section 806(c) to specifically address planting and removal of street trees by City agencies, commissions and departments other than DPW. The ordinance proposes that street tree removal permits requested by City agencies, commissions and departments would be subject to the same 30-day notice and appeals period and procedure that applies to DPW.

(B) The proposed ordinance would amend Section 811, to establish a notification process and enforcement mechanism for violations of the Urban Forestry Ordinance. This ordinance would create a process to notify a responsible property owner that the DPW has assessed an administrative civil penalty<sup>1</sup> against the owner for unauthorized removal, damage or destruction of a tree. If the responsible party does not pay the penalty, then the DPW may institute lien proceedings against the owner.

File 98-992. The companion ordinance to File 98-991 would amend the Administrative Code by establishing a fee of \$75 for each appeal from the decision of the Director of DPW concerning street tree removal by a City agency, commission or department. Previously the decision of the Director of DPW was nonappealable.

Comments:

File 98-991

1. According to Mr. John Fournet of DPW, the expanded (30-day) notice provisions are designed to allow the public a greater voice and participation in the street tree removal process by City agencies, commissions or departments.

File 98-992

2. Section 8 of Part III of the Municipal Code establishes the fees for filing appeals with the Board of Appeals. Prior to the proposed ordinance referred to in File 98-991,

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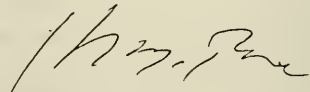
<sup>1</sup> An administrative civil penalty may be enforced by DPW in situations where it has determined that there has been a violation of the ordinance.

Memo to Economic Development, Transportation and Technology Committee  
August 4, 1998 Economic Development, Transportation and Technology Committee  
Meeting

a decision of the Director of DPW concerning street tree removal by a City agency, commission or department was nonappealable. The \$75 fee is derived from the new right of appeal granted in the ordinance referred to in File 98-991.

3. Ms. Barbara Moy of DPW advises that she is unable at this time to provide the Budget Analyst with projected revenues which would result from the \$75 fee or whether or not the Department can enforce the proposed ordinance within the Department's existing budget.

**Recommendation:** Approval of the proposed ordinances is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

AUG 12 1998

SAN FRANCISCO  
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REGULAR MEETINGECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, AUGUST 4, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

ABSENT: SUPERVISOR YAKI - ITEMS 8 - 12

SUPERVISOR KATZ - ITEMS 1 - 3

CLERK: GAIL JOHNSON

1. File 98-1242. [Reserved Funds, PTC-Municipal Railway] Hearing to consider release of reserved funds, Public Transportation Commission (Federal capital assistance, Resolution No. 300-96), in the amount of \$903,750 to fund the cable car vehicle rehabilitation. (Municipal Railway)

ACTION: Consideration continued to August 18, 1998, meeting (at the request of department).

2. File 98-1243. [Reserved Funds, PTC-Municipal Railway] Hearing to consider release of reserved funds, Public Transportation Commission (Federal capital funding, Resolution No. 378-97), in the amount of \$4,939,418 for the upgrade and rehabilitation of the overhead electrification system on the 1-California Trolley Coach Line. (Municipal Railway)

ACTION: Hearing held. Release of \$4,935,550 approved. Filed.

3. File 98-1201. [Restricted Parking - Construction Activity] Ordinance amending Article 3 of the Traffic Code by amending Section 33.1A thereof, extending the date that this Section shall be in effect to June 30, 1999. (Supervisors Yaki, Katz)

ACTION: Recommended.

4. File 98-0998. [Treasure Island Management] Ordinance supporting the June 2, 1998 voter approval of Proposition K, declaration of policy with respect to the operation and land use management of Treasure Island. (Supervisor Yee)

ACTION: Hearing held. To Board With Recommendation "Do Not Pass."



5. File 98-1004. [Treasure Island Development Authority] Resolution directing the Treasure Island Development Authority to amend its Bylaws and Articles of Incorporation to expand the number of directors of the Board of Directors of the Authority to fifteen, eleven of whom shall be comprised of the then members of the City's Board of Supervisors, or their respective designees; and four of whom shall be appointed by the Mayor. (Supervisor Ammiano)

ACTION: Hearing held. To Board Without Recommendation.

6. File 98-1012. [Treasure Island Public Access] Resolution urging the Treasure Island Development Authority to study and develop a limited public access plan and report the plan to the Economic Development, Transportation and Technology Committee of the Board of Supervisors within 30 days of the passage of this resolution. (Supervisor Yaki)

ACTION: Consideration continued to August 18, 1998, meeting (at the request of sponsor).

7. File 98-0188. [Parcels 202 and 203] Hearing to consider the open space status and future plans for Assessor Parcels 202 and 203 (Embarcadero). (Supervisor Newsom)

ACTION: Hearing held. Consideration continued to the Call of the Chair (at the request of sponsor).

8. File 98-1171. [Tree Removal at Justin Herman Plaza] Hearing to consider the planned tree removal and replacement projects at Justin Herman Plaza and the Embarcadero Roadway (between Broadway and Harrison Streets, and Steuart Street between Market and Mission). (Supervisor Katz)

ACTION: Hearing held. Filed.

9. File 98-0991. [Street Tree Removal] Ordinance amending Public Works Code by amending Sections 802, 806 and 809 to expand the public notice and appeal procedures regarding street tree removal by City agencies, commissions or departments and to permit the imposition of specified fees to compensate for the removal of a nuisance street tree; companion measure to Files 98-0992, 98-0993, 98-0994. (Supervisors Katz, Bierman)

ACTION: Hearing held. Amendment of the Whole, as presented by Supervisor Katz, adopted. Recommended as amended. New title: "Amending Public Works Code by amending Sections 802, 806 and 811 to expand the public notice and appeal procedures regarding street tree removal by City agencies, commissions or departments and to establish a notification process and enforcement mechanism for violations of the Urban Forestry Ordinance." (Supervisors Yaki and Leno added as co-sponsors.)



10. File 98-0992. [Street Tree Removal Appeal Fee] Ordinance amending Municipal Code, Part III, by amending Section 8 to establish a fee for filing an appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission or department; companion measure to File 98-0991. (Supervisors Katz, Bierman)

ACTION: Hearing held. Recommended. (Supervisors Yaki and Leno added as co-sponsors.)

11. File 98-0993. [Tree Removal from City Property] Resolution urging all City agencies, commissions and departments to adopt notice procedures for the removal of trees that are visible from the public right-of-way and to submit reports describing methods of compliance with this resolution to the Commission on the Environment. (Supervisors Katz, Bierman)

ACTION: Hearing held. Amended on line 3 and 18, after "notice," by adding "and appeal." Amendment of the Whole reflecting said amendment prepared in Committee. Recommended as amended. New title: "Urging all City agencies, commissions and departments to adopt notice and appeal procedures for the removal of trees that are visible from the public right-of-way and to submit reports describing methods of compliance with this resolution to the Commission on the Environment." (Supervisors Yaki and Leno added as co-sponsors.)

12. File 98-0994. [Street Tree Removal, Port Jurisdiction] Resolution urging the Port Commission to adopt notice and appeal procedures for the removal of street trees that are similar to the procedures applicable to City agencies, commissions and departments, which are set forth in pending amendments to Public Works Code Section 806; companion measure to Files 98-0991, 98-0092, 98-0093. (Supervisors Katz, Bierman)

ACTION: Hearing held. Amendment of the Whole, as presented by Supervisor Katz, adopted. Recommended as amended. New title: "[Street Tree Removal] Urging the Port, Airport, and Redevelopment Agency Commissions to adopt notice and appeal procedures for the removal of street trees that are similar to the procedures applicable to City agencies, commissions and departments, which are set forth in pending amendments to Public Works Code Section 806." (Supervisors Yaki and Leno added as co-sponsors.)

#### LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-1121. [Zoning Map Amendment-South of Market] Ordinance amending the Zoning Map of the City and County of San Francisco for the property located within that area generally bounded by Howard Street to the north, Thirteenth Street to the west, Eighth Street to the east and Bryant Street to the south, and including portions of Folsom Street between Eighth and Sixth Streets, to reclassify portions of the property therein to South of Market Nighttime Entertainment Special Use District and the core entertainment subdistrict. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1122. [Zoning - South of Market Nighttime Entertainment] Ordinance amending Planning Code by adding a new Section 249.21 to establish a South of Market Nighttime Entertainment Special Use District in the area generally bounded by Howard, Thirteenth, Bryant and Eighth Streets, and including portions of Folsom Street between Sixth and Eighth Streets, and a core entertainment special use subdistrict along certain portions of Eleventh and Folsom Streets; amending Planning Code Sections 816 and 817 and Tables 816 and 817 to cross-reference the South of Market Nighttime Entertainment District; amending Planning Code Section 161 to modify the residential and live/work parking requirement in the core entertainment subdistrict; amending Building Code by adding a new Section 104.7 to authorize the Department of Building Inspection to enforce the noise standards contained in Planning Code Section 249.21; and making determination of consistency with the priority policies of the Planning Code Section 101.1(B). (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1123. [Police Code - Folsom Street District Noise Levels] Ordinance amending Article 1 of the Police Code by adding Section 49.1, creating an exception to noise limits for cabaret license holders and place of entertainment and dancehall permit holders in the Folsom Street and Eleventh Street area. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

File 98-1124. [Planning Code - Sound Attenuation in Live/Work Units] Ordinance amending Planning Code Sections 102.13 and 233 to require that live/work units be constructed with sufficient sound attenuation to reduce exterior noise of 80 decibels to 45 decibels in the interior of the unit, amending Building Code by adding a new Section 104.8 to authorize the Department of Building Inspection to enforce the acoustic construction standards contained in Planning Code Sections 102.31 and 233; and making determination of consistency with the priority policies of Planning Code Section 101.1. (Supervisor Newsom), 30-Day Rule expires on August 5, 1998.

Watch future calendars for scheduling of these matters.

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

August 14, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** August 18, 1998 Economic Development, Transportation and  
Technology Committee Meeting

Item 1 - File 98-1242

**Department:** Department of Public Transportation (MUNI)

**Item:** Hearing to consider the release of reserved funds for the  
Department of Public Transportation, in the amount of  
\$903,750, to fund the Cable Car Reconstruction Project.

**Amount:** \$903,750

<b>Source of Funds:</b>	Federal Section 9 Capital Assistance	\$723,000
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	Improvement Corporation	

<b>TOTAL</b>	<b>\$903,750</b>
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**Description:** In April of 1996, the Board of Supervisors authorized acceptance and expenditure of \$79,114,441 from Federal and State grants and local matching sources to fund 13 MUNI projects (File 213-96-3), which have been identified as priorities in the Municipal Railway Short-Range Transit Plan. One of the projects calls for \$903,750 for Cable Car

Reconstruction. Of the \$79,114,441, \$73,345,000 of these funds, including the \$903,750 for Cable Car Reconstruction, was placed on reserve pending submission of budget details.

The Finance Committee subsequently authorized the release of funds in the amount of \$9,311,391 for various projects, leaving a current balance on reserve of \$64,033,609.

Attachment I, prepared by Mr. Jerry Levine of MUNI, provides additional information about the Cable Car Reconstruction Project, including details regarding three types of Cable Car Reconstruction: (1) major rebuilding, (2) major overhauling, and (3) minor overhauling. According to Mr. Levine, the Cable Car Reconstruction Project provides for the reconstruction of MUNI's entire fleet of 39 Cable Cars over a 10-year period, which began in FY 1993-94. Since FY 1993-94, MUNI has completed the major rebuilding of five Cable Cars, the major overhauling of three Cable Cars, and the minor overhauling of six Cable Cars, for a total of 14 Cable Car reconstructions. Based on MUNI's experience, the average cost and the time required to complete a major rebuilding is \$320,158 and 18 months, respectively; for a major overhauling, \$150,010 and 9 months; and for a minor overhauling, \$50,009 and 6 months.

Over the next 18 months, MUNI plans to complete the major rebuilding of two Cable Cars, the major overhauling of two Cable Cars, and the minor overhauling of three Cable Cars, for a total of seven Cable Car reconstructions.

**Budget:**

Based on the above-noted costs and time needed to complete the various types of Cable Car Reconstruction work, the budget for this Project over the next 18 months is 1,090,363, as follows:

Major Rebuilding of 2 Cable Cars (2 Cable Cars @ \$320,158 each)	\$640,316
Major Overhauling of 2 Cable Cars (2 Cable Cars @ \$150,010 each)	300,020
Minor Overhauling of 3 Cable Cars (3 Cable Cars @ \$50,009 each)	<u>150,027</u>
TOTAL	\$1,090,363

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All of the reconstruction work is to be done in-house by MUNI maintenance personnel. Attachment II provided by Mr. Levine contains budget details to support the \$1,090,363 estimated project cost over an 18-month period.

**Comment:** To fund the \$1,090,363 total cost of the Cable Car Reconstruction Project, the Project includes \$186,613 in additional funds as follows:

Federal Section 9 Capital Assistance	\$149,291
Bridge Tolls	18,661
San Francisco Municipal Railway	<u>18,661</u>
Improvement Corporation	
 TOTAL	 \$186,613

According to Mr. Levine, this \$186,613 is not reserved and has been previously authorized by the Board of Supervisors.

**Recommendation:** Approve the release of reserved funds in the amount of \$903,750.



CITY AND COUNTY OF SAN FRANCISCO  
PUBLIC TRANSPORTATION COMMISSION  
SAN FRANCISCO MUNICIPAL RAILWAY

CABLE CAR VEHICLE REHABILITATION  
FOR  
SAN FRANCISCO MUNICIPAL RAILWAY

The major work on this project consists of rebuilding Cable Cars "like new", both Powell and California types, at the Woods carpentry shop. The finish work for the vehicles is completed at the Mason Street Cable Car Barn.

In addition, the Mason Street shop performs both major and minor overhauls.

This project began in March 1994 and is part of a long-term effort to rebuild the entire Cable Car fleet. The rebuilding work at the Woods Street shop consists of new trucks, frame and support upgrades and reinforcement, replacement of woodwork, glass replacement, metal parts refinishing (new parts if needed), new roof work and floors. The rebuilt Cable Car is then sent to Mason for electrical wiring, mechanical installations and painting throughout. It is then ready for revenue service.

The major overhauls at Mason Street consist of frame and support refits, woodwork replacement, glass replacement, metal parts refinishing, new roof-work, floors, electrical wiring and painting. These cars are inspected in depth and if required, additional work is performed.

The minor overhauls will be done at the Cable Car Barn. They consist of replacement of rotten wood, some electrical work, new rubber mats, nonskid installations, paint, new decals, rear panel paint, rework of draw heads and rework of bumpers. The California cars will be inspected and if metal reinforcement is required, it will be added to support the cars.



Attachment II

page 1 of 3

Cable Car Vehicle ReconstructionMajor Rebuild--2 Vehicles @ \$320,158 per Vehicle \$640,316Materials & Supplies \$50,000

No.	Labor	Total Hours	Rate	\$270,158
1	7226 - Carpenter Sup 1	1,711	32.14	54,992
1	7358 - Pattern Maker	737	27.35	20,157
2	7344 - Carpenter (@ 1,919 ea)	3,839	26.05	100,006
1	7514 - Laborer	1,328	18.83	25,006
1	7379 - Electransit Mech	423	23.63	9,995
1	7309 - Painter	2,101	23.80	50,004
1	7380 - Electransit Mech Sup	343	29.15	<u>9,998</u>
TOTAL				<u>\$320,158</u>

Attachment II

page 2 of 3

Cable Car Vehicle ReconstructionMajor Overhaul—2 Vehicles @ \$150,010 per Vehicle \$300,020Materials & Supplies \$30,000

No.	Labor	Total Hours	Rate	\$120,010
1	7380 - Electransit Mech Sup	686	29.15	19,997
2	7344 - Carpenter (@ 768 hr. ea)	1,536	26.05	40,013
2	7309 - Painter (@ 1,050 hr. ea)	2,101	23.80	50,004
1	7379 - Electransit Mech	423	23.63	<u>9,996</u>
TOTAL ..				<u>\$150,010</u>

Cable Car Vehicle Reconstruction

Minor Overhaul--3 Vehicles @ \$50,009 per Vehicle \$150,027

Materials & Supplies \$10,000

<u>No.</u>	<u>Labor</u>	<u>Total Hours</u>	<u>Rate</u>	<u>\$40,009</u>
1	7380 - Electransit Mech Sup	230	29.15	6,705
1	7344 - Carpenter	257	26.05	6,695
1	7309 - Painter	706	23.80	16,803
1	7379 - Electransit Mech	415	23.63	<u>9,806</u>
TOTAL				<u>\$50,009</u>



Item 2 – File 98-1363

Department: Port

Item: Resolution authorizing the Port to hold the City of Vallejo harmless from all claims arising from a cooperative agreement for construction of a new public ferry terminal at Pier 43, in the Fisherman's Wharf area.

Description: The City of Vallejo has secured \$1.6 million in grant funding from the Federal Highway Administration and \$400,000 from the State Transportation Commission for the construction of a new \$2 million public ferry terminal at Pier 43, in the Fisherman's Wharf area. According to Ms. Veronica Sanchez of the Port, the City of Vallejo's ferry program is one of the most successful programs on the San Francisco Bay with a fleet of two high speed catamarans and a third conventional vessel providing service between Vallejo, downtown San Francisco and Pier 39.

The City of Vallejo and the Port have negotiated a Cooperative Agreement regarding the new ferry terminal at Pier 43 which provides that the City of Vallejo will fund the terminal design and construction costs, estimated to total \$2 million, and once constructed, the Port will assume ownership, maintenance and operation of the terminal. According to Ms. Sanchez, construction of the new ferry terminal will be completed July of 2000.

The Cooperative Agreement includes an indemnification clause requiring the Port to hold harmless the City of Vallejo as follows:

"The Port of San Francisco shall indemnify and hold harmless the City of Vallejo, its officers, officials, directors, employees, agents and volunteers from and against all claims, damages, losses and expenses including attorneys fees arising out of the construction and implementation of the Project described herein, caused in whole or in part by a negligent act or omission of the Port of San Francisco, any contractor or subcontractor, anyone directly or indirectly employed by

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

any of them, for whose acts any of them may be liable, except where caused by the active negligence, sole negligence or willful misconduct of the City of Vallejo."

The Port is also indemnified by the City of Vallejo in a reciprocal clause:

"The City of Vallejo shall indemnify and hold harmless the Port of San Francisco, its officers, officials, directors, employees, agents and volunteers from and against all claims, damages, losses and expenses including attorneys fees arising out of the construction and implementation of the Project described herein, caused in whole or in part by a negligent act or omission of the City of Vallejo, any contractor or subcontractor, anyone directly or indirectly employed by any of them, for whose acts any of them may be liable, except where caused by the active negligence, sole negligence or willful misconduct of the Port of San Francisco."

Comment:

1. According to Mr. Neil Sekhri of the City Attorney's Office, the indemnity clause in the subject Cooperative Agreement does not expose the City to any significant liability.

2. According to Ms. Sanchez, the new ferry terminal at Pier 43 will provide the only publicly accessible ferry terminal facility in the Fisherman's Wharf/Pier 39 area. All others are under the control of private operators under leases with the Port. Ms. Sanchez notes that the Pier 43 terminal project will provide the City of Vallejo with a landing facility in the prime Fisherman's Wharf area, and will also allow the Port to provide a landing facility to other ferry operators who wish to serve the Fisherman's Wharf area.

3. Ms. Sanchez further advises that under the provisions of the subject Cooperative Agreement, the City of Vallejo has the responsibility to provide for the design and construction of the project, including the hiring of an engineering team to prepare detailed bid plans and specifications and the bidding and management of the construction of the terminal pursuant to State and

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BUDGET ANALYST



Federal requirements. The \$2 million in Federal and State grant funds will fund all construction and related City of Vallejo costs.

The Port is responsible for the final design review and approval of the facility and would inspect the construction as it proceeds, which would be accomplished using the Port's existing budgeted funds, according to Ms. Sanchez. The Port would also be the applicant for all regulatory approvals for the project, which will not result in any additional costs to the Port, notes Ms. Sanchez. Ms. Sanchez states that the annual cost of operation and maintenance of the new terminal at Pier 43 is estimated at \$120,000, which would be recovered by landing fees.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Items 3 and 4 – Files 98-1332 and File 98-1333

**Note:** This report is based on an amendment to the whole that will be presented to the Economic Development, Transportation and Technology Committee on August 18, 1998.

**Department:** Department of Public Works  
Mayor's Office  
Planning Department  
Port  
Real Estate Department

**Items:** File 98-1332: Resolution declaring the intention of the Board of Supervisors to vacate certain street areas within Mission Bay; setting the hearing date for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

File 98-1333: Ordinance ordering the vacation of certain street areas within Mission Bay; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the vacation is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Location:**

1. Illinois Street between Merrimac Street and Sixteenth Street.
2. El Dorado Street east of Illinois Street.
3. Alameda Street west of Illinois Street
4. Portions of Illinois Street between Sixteenth Street and Mariposa Street.
5. Portion of Louisiana Street adjacent to Terry Francois Boulevard.
6. Portions of Fourth Street between Third Street and Louisiana Street.
7. Merrimac Street west of Illinois Street.
8. Illinois Street between Merrimac Street and Fourth Street.
9. Portion of Fourth Street north of Mission Rock Street.
10. Portion of Hubbell Street between Third Street and Fourth Street.

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11. Portion of Berry Street between Third Street and Fourth Street.
12. Fifth Street between Townsend Street and King Street.
13. Jewett Street between Fourth Street and Fifth Street.
14. Portion of Berry Street between Fifth Street and Sixth Street.
15. Sixth Street between Berry Street and Channel Street.
16. Portion of Berry Street between Fourth Street and Fifth Street.
17. Fifth Street between Berry Street and Channel Street.
18. King Street between Sixth Street and Seventh Street.
19. Portion of Berry Street between Sixth Street and Seventh Street.
20. Sixth Street south of Townsend Street.
21. Portion of King Street east of Sixth Street.
22. Portion of Owens Street west of Sixth Street.
23. Portions of Owens Street between Channel Street and Sixteenth Street.
24. Portions of Sixth Street between Channel Street and Sixteenth Street.
25. Pennsylvania Avenue between Sixteenth Street and Seventh Street.
26. Sixth Street between Sixteenth Street and the former Tennessee Street (Tennessee Street was vacated earlier and the area is now referred to as the former Tennessee Street); and
27. Portion of Mission Rock Street east of Fourth Street.

**Description:**

The proposed resolution (File 98-1332); (a) declares the intention to vacate the above mentioned streets ("Street Areas") in the Mission Bay area, (b) sets a hearing date for all persons interested in the proposed vacation, and (c) adopts findings that the vacation of the Street Areas is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. The proposed resolution provides that the hearing date for all persons interested in or objecting to the proposed vacation

is October 19, 1998 at 3.00 pm in the Legislative Chambers of the Board of Supervisors.

The proposed ordinance (File 98-1333); (a) orders the vacation of certain street areas within Mission Bay, (b) adopts findings pursuant to the California Environmental Quality Act, and (c) adopts findings that the vacation of the Street Areas is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

Deputy City Attorney Jesse Smith advises that consideration of the proposed resolution and ordinance is the first step in a three-step process to initiate the vacation of the Street Areas. The proposed resolution establishes a public hearing date for consideration of the vacation of the Street Areas. The second step in the process will be a public hearing to allow all persons interested in or objecting to the proposed vacation to be heard. The third step is consideration by the Board of Supervisors of the merits of the proposed ordinance that, if approved, would order the vacation of the Street Areas. The merits of the proposed vacation of the Street Areas would be considered after the public hearing.

By way of background, the Mission Bay Project Area is located along San Francisco Bay between China Basin Central Basin, bounded by Townsend Street to the north, Interstate 280 to the west, Mariposa Street to the south, and the San Francisco Bay to the east. Predominantly owned by the Catellus Development Corporation ("Catellus"), Mission Bay encompasses approximately 303 acres of mostly vacant railyards. Approximately 43 acres of Mission Bay have been selected for a major campus site by the University of California, San Francisco (UCSF).

The vacation of the Street Areas would allow for the exchange of lands from the City and County of San Francisco to Catellus as contemplated under the Amended and Restated Mission Bay City Land Transfer Agreement and Amended and Restated Mission Bay Port Land Transfer Agreement; for the donation of certain lands from Catellus and the City to the Regents of the University of California for the development of a new

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second campus; and for the implementation of the Redevelopment Plans for Mission Bay North and Mission Bay South.

**Comment:**

The proposed resolution states that on August 4, 1998, the Director of Planning found that the proposed vacation of the Street Areas is consistent with the City's General Plan (as proposed to be amended) and the Eight Planning Priority Policies of City Planning Code Section 101.1.

**Recommendation:**

1. Approve the proposed resolution, File 98-1332.
2. Report out the proposed ordinance, File 98-1333, to the full Board of Supervisors without recommendation.



Item 7 - File 98-1304

**Department:** Treasure Island Development Authority

**Item:** Resolution extending the City's program of self-insurance to the activities of the Treasure Island Development Authority.

**Description:** The Board of Supervisors previously approved Resolution No. 244-97-3 on May 2, 1997, authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit corporation known as the Treasure Island Development Authority (TIDA) to act as a single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of Treasure Island Naval Station (the "Base"), for the public interest, convenience, welfare, and common benefit of the citizens of San Francisco.

AB 699, which was approved on October 12, 1997, amended the State Health and Safety Code to authorize the Board of Supervisors, by resolution, to designate the TIDA as the redevelopment agency for the Base.

The Board of Supervisors subsequently approved Resolution No. 43-98 on February 6, 1998, designating TIDA as a redevelopment agency with powers over the Treasure Island.

According to Michael Cohen of the City Attorney's Office, in order to foster the conversion of the Base to civilian reuse prior to final conveyance of the Base from the Navy to TIDA, it will be necessary for TIDA to lease portions of the Base from the Navy. Mr. Cohen reports that the Navy's leases on Treasure Island include certain insurance requirements and that the types of risks identified in such insurance requirements are covered by the City's existing program of self-insurance. However, according to Mr. Cohen, the City's program of self-insurance extends only to the activities of the Treasure Island Project Office and not to those of TIDA.

Mr. Cohen therefore advised the Budget Analyst that in order to lease property on the Base from the Navy, the City must either extend its program of self-insurance to the activities of TIDA, or TIDA must purchase private policies of insurance.

Approval of the proposed resolution would:

- Extend the City's program of self-insurance to all the activities of the TIDA related to the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of the Base, and to TIDA's officers, directors, agents or employees, including, without limitation, as in the case of other City agencies operating on the Base, self-insurance coverage necessary to satisfy any specific insurance requirements imposed by the Navy as a condition to leasing property on the Base and approved by the City's Risk Manager.
- Direct TIDA to require all subtenants of property on the Base, other than City departments, to obtain insurance coverage required by the Navy in any master lease for such property, and that such insurance shall name the City and the Authority as additional insureds.
- Allow the City's Risk Manager to explore the alternatives for the City or TIDA to purchase insurance policies to cover any or all of the risks which would otherwise be covered by the City's self-insurance coverage, provided insurance policies could be obtained at a competitive cost as determined by the City's Risk Manager and provided that the Controller certifies that funds are available to purchase such insurance policies.

Comments:

1. According to Mr. Keith Grand, the City's Risk Manager, the day-to-day operations on Treasure Island are delegated to the Treasure Island Project Office and other City Departments which are covered under the City's program of self-insurance. Mr. Grand points out that if such City operations cause bodily injury to persons or physical property damage, then the City, by virtue of it

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BUDGET ANALYST

Memo to Economic Development, Transportation and Technology Committee  
August 18, 1998 Economic Development, Transportation and Technology  
Committee Meeting

providing self-insurance for these Departments, is responsible for any such claims. Mr. Grand advised the Budget Analyst that because TIDA currently consists of seven board directors, with no employees, and no automobiles or equipment owned by TIDA, there is little risk of such claims against TIDA if this resolution is approved.

The attached memorandum from Mr. Grand explains the potential liability to the City for self-insuring TIDA. According to Mr. Grand, such liability to the City is limited to claims arising from (1) actions taken by TIDA directors who cause bodily injury to persons or physical property damage, while performing work within the course and scope of their official duties, and (2) policy decisions made by TIDA as a whole, which claimants believe create financial loss for them such as thwarted development plans and diminished property values. Mr. Grand reports that TIDA is in the process of purchasing commercial Directors' and Officers' insurance to cover claims arising from policy decisions made by TIDA, and that the City's Risk Manager plans to explore alternatives for the City or TIDA to purchase personal liability and property insurance for the individual directors of TIDA.

2. Mr. Cohen reports that there are currently no claims against TIDA that would be assumed by the City if this resolution is approved.

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF  
SAN FRANCISCO

RISK MANAGEMENT  
PROGRAM

ATTACHMENT

WILLIE L. BROWN, JR.  
Mayor

Via Fax (252-0461)

August 12, 1998

TO: Gabriel Cabrera, Budget Analyst

FROM: Keith Grand, Risk Manager *KG*

SUBJ: City's Self-Insurance/Treasure Island Development Authority

This is in response to your questions about risk to the City in extending its self-insurance program to the Treasure Island Development Authority (TIDA).

With the exception of Directors' and Officers' liability claims (discussed below), there is little additional risk to the City in extending its self-insurance program to TIDA, beyond what risk already exists for the City from City operations on Treasure Island. Most forms of commercial insurance boil down to coverage for claims arising from injury to persons or physical damage to property. My understanding is that most of the actual operations on Treasure Island will be performed by City departments (self-insured) or commercial tenants (who are now, and will continue to be, required to provide insurance for their activities), protecting the City and TIDA as additional insureds on the tenants' policies. Liability for injury or damage is typically attributed to the parties performing the activities, e.g., the City or commercial tenants, not TIDA. Since TIDA has no employees, automobiles or equipment, it creates little risk from its direct activities, although uninsured risk scenarios can be envisioned: a TIDA official, using an uninsured City vehicle, causes a serious accident; or a fire damages a building. TIDA has no insurance against such claims presently, but we are exploring the feasibility and cost of such insurance.

Directors' and Officers' liability claims could arise from decisions and actions taken by TIDA, which claimants feel create financial loss (thwarted development plans, diminished property values, etc), rather than bodily injury or physical property damage. For this risk TIDA is purchasing commercial Directors' and Officers' liability insurance, to protect the corporate entity (TIDA) as well as the individual officers against such claims. Once this insurance is in place, it, and not the City's self-insurance will be the primary protection against such claims.

cc: Michael Cohen, Deputy City Attorney

99 Grove Street, Room 203, San Francisco, CA 94102  
Telephone (415) 978-5926; Fax (415) 978-5927

Item 10 - File 98-1281

**Department:** Public Utilities Commission

**Item:** Resolution authorizing the General Manager of the Public Utilities Commission to apply for, accept and expend a grant of \$70,000 from the U.S. Department of Energy and the Urban Consortium Energy Task Force. The resolution would also ratify actions previously taken.

**Grant Amount:** \$70,000

**Grant Period:** October 1, 1998 - December 31, 1999 (15 months)

**Source of Funds:** Urban Consortium Energy Task Force (through grant funding from the U.S. Department of Energy)

**Project:** Energy Efficiency Services in a Restructured Electric Industry

**Description:** The proposed resolution would authorize the General Manager of the PUC to apply for, accept and expend \$70,000 in grant funding from the Urban Consortium Energy Task Force, which is comprised of members from the 60 largest (by population) cities and urban counties in the United States. The members of the Task Force design annual projects to: (1) develop innovative energy management programs, and (2) transfer energy technologies among Task Force members with the goal of improving the mix and efficiency of energy use in both local government operations and for the community as a whole. The programs are funded by the U.S. Department of Energy through an annual grant made available to the Task Force. According to Mr. John Deakin of the PUC's Bureau of Energy Conservation, San Francisco has received over \$1.5 million in grant funding from the Urban Consortium Energy Task Force for local energy management activities in recent years.

The proposed grant funds would pay for a research project to assist City Departments in responding to the recent deregulation of the electric utility industry in California. The goals of the proposed project are consistent with the Energy Element of the General Plan of San Francisco. The General Plan is provided for in Section 4.105 of the City's Charter.

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**BUDGET ANALYST**



Under the proposed project, the PUC's Bureau of Energy Conservation would conduct research over a 15-month period to determine how best to respond to private Energy Service Companies (ESCOs) that have, in the transition to a fully-deregulated electricity market, begun to provide commercial and governmental customers with services such as energy auditing, design, project installation, and project finance consulting. The primary objectives of the proposed project are to: (1) develop guidance, including assistance in contract negotiations, regarding proposals by ESCOs to provide various electricity-related services to City Departments, and (2) develop a program for providing current municipal customers of Hetch Hetchy electricity with services comparable to the services provided by ESCOs.

**Budget:** Mr. John Deakin of the PUC's Bureau of Energy Conservation has provided a budget for \$149,650, including the subject grant funds of \$70,000, for the 15-month period from October 1, 1998 through December 31, 1999, as shown in Attachment I.

**Required Match:** None required under the terms of the grant. However, the Bureau of Energy Conservation will supplement grant funds with in-kind services estimated at \$79,650 (see Comment No. 2).

**Indirect Costs:** None. Although the proposed resolution includes a reference to \$19,700 in indirect costs, these costs actually include \$10,900 in fringe benefits and \$8,800 in PUC overhead (see Comment No. 4.)

**Comments:** 1. Mr. Deakin advises that the Bureau of Energy Conservation has already submitted the grant application, and was awarded the grant in July of 1998. As such, the proposed resolution provides for ratification of action previously taken.

2. As stated above, the grant does not require matching funds. However, the Bureau of Energy Conservation plans to supplement the proposed grant funds with in-kind services estimated to total \$79,650. Mr. Deakin advises that these in-kind funds are included in the PUC's FY 1998-99 budget.

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**BUDGET ANALYST**



3. As noted in Attachment I, an amount of \$54,700 of the proposed \$70,000 in grant funds would be used to partially fund the personnel costs for the five PUC Bureau of Energy Conservation staff involved in the project. Mr. Deakin advises that these five existing positions are included in the PUC's FY 1998-99 budget.

4. The resolution incorrectly refers to \$19,700 in indirect costs. The resolution should be amended to delete reference to indirect costs.

5. Attachment II is a summary of grant application information, as prepared by the PUC, for the proposed grant funds.

6. The PUC has prepared a Disability Checklist for the proposed grant program, which is on file with the Clerk of the Board of Supervisors.

Recommendations: 1. As noted in Comment No. 4, amend the proposed resolution to delete the reference to indirect costs on lines 20 and 21 of page 1 of the resolution.

2. Approve the proposed resolution as amended.

## BUDGET SUMMARY

FOR CHICAGO USE ONLY

FUND NO: \_\_\_\_\_

CONTRACT NO: \_\_\_\_\_

NAME OF PROJECT Energy Efficiency Services in a Restructured Electric Industry  
NAME OF DELEGATE AGENCY: San Francisco, California

A. Cost Category	B. ACCOUNT NUMBER	C. DOE SHARE OF COST	D. OTHER SHARE	E. TOTAL COST
Salaries	0005	43,800	33,000	76,800
Fringe Benefits	0044	10,900	8,250	19,150
Postage	0130	100	100	200
Consultants	0140	0	25,000	25,000
Printing	0150	0	100	100
Subscriptions	0166	600	0	600
Tech. meetings	0169	0	1,000	1,000
Telephone	0186	0	200	200
Travel	0245	5,500	0	5,500
Consumable Supplies	0350	300	400	700
Equipment	0400	0	5,000	5,000
Overhead	0801	8,800	6,600	15,400
TOTAL COSTS		70,000	79,650	149,650

SUBMITTED BY:

  
SIGNATURE

July 22, 1998

(DATE)

John F. Deakin, Director  
NAME and TITLE (Type or Print)

APPROVAL  
BY  
CHICAGO

(DATE)

Linda Davis, Assistant to the Comm., Department of Environment  
NAME and TITLE (Type or Print)

BUDGET JUSTIFICATIONName of Project ENERGY EFFICIENCY SERVICES IN A RESTRUCTURED ELECTRIC INDUSTRYName of Delegate Agency BUREAU OF ENERGY CONSERVATION

For each cost category, provide a detailed breakdown of expenditures using the account numbers and titles from: CITY OF CHICAGO ACCOUNT/OBJECT CODE LISTING FOUND ON PAGE \_\_\_\_\_

A. Non-personnel Cost Category (Materials, Consultants, Travel, etc.)	B. Acct. No.	C. USDOE	D. Other Share	E. Total Cost
Postage	0130	100	100	200
Consultants	0140	0	25,000	25,000
Printing	0150	0	100	100
Subscriptions	0166	600	0	600
Tech. Meetings	0169	0	1,000	1,000
Telephone	0186	0	200	200
Travel	0245	5,500	0	5,500
2 meetings x 2 staffpersons + 1 meeting x 1 staffperson				
Air & Ground Travel = \$592				
Hotel 4 x \$85 = 340				
Meals 4 x \$42 = 168				
Per person/trip = \$1100				
Consumable Supplies - Paper, binders, etc.	0350	300	400	700
Equipment Rental	0400	0	5,000	5,000
Overhead	0801	8,800	6,600	15,400
TOTAL:		15,300	38,400	53,700

Name of Project: ENERGY EFFICIENCY SERVICES in a RESTRUCTURED

Name of Lead Agency: CITY & COUNTY OF SAN FRANCISCO

Name of Delegate Agency: BUREAU OF ENERGY CONSERVATION

(a) No. of Pers.	(b) Position or Title	(c) Average Salary per month	(d) % of time	(e) No. of months	(f) DOE Share	(g) Other	(h) TOTAL COST
1	Project Director	5,000	8	15	0	6,000	6,000
1	Clerical	4,450	12	15	0	8,000	8,000
1	Project Manager Energy Specialist	4,210	60	15	28,500	10,000	38,500
1	Assistant Energy Specialist	3,500	25	15	6,300	7,200	13,500
1	Senior Energy Specialist	5,000	15	15	9,000	1,800	10,800
Total Salaries:					43,800	33,000	76,800
Cost of Fringe Benefits:					10,900	8,250	19,150
(Indicate basis for estimate) 25% of Salary							
TOTAL PERSONNEL COSTS:					54,700	41,250	95,950

File Number: \_\_\_\_\_

Grant Application Information Form

A document required to accompany a proposed resolution  
Authorizing a Department to Accept & Expend Grant Funds

TO: The Board of Supervisors  
Attn: Clerk of the Board

The following describes the grant referred to in the accompanying resolution:

1. Department: Hetch Hetchy Water & Power/Bureau of Energy Conservation
2. Contact Person: Cal Broomhead Telephone: (415) 554-3179
3. Project Title: Energy Efficiency Services in a Restructured Electric Industry
4. Grant Source Agency: Urban Consortium Energy Task Force
5. Type of Funds: ☒ Federal ☐ Federal-State (Pass-Through) ☐ State ☐ Local ☐ Private
6. Proposed (New) Grant Project Summary:

The Bureau's project proposal is to investigate the energy efficiency services emerging within the newly restructured utility industry, develop guidance for local governments in evaluating the increasingly complex service offerings by energy service companies (ESCO's) and other energy service providers, and develop an innovative program design for providing City facilities with in-house energy management services comparable to those provided by ESCO's.

7. Amount of Grant Funding Applied for: \$75,000
8. Maximum Funding Amount Available: \$70,000
9. Required Matching Funds: Yes: ☒ No: ☐ /Cash or In-kind? In-Kind

If yes, list dollar amount and identify source of Matching Funds in Department Budget:  
Associated with existing ongoing projects-PLUC/HH/BEC operating budget.

10. Number of Positions created/funded: 1.5 FTE approx. This grant would fund the continuation of existing positins which are listed as off-budget in the Salary Ordinance. No new postions are being created as a result of this grant.

Grant Application Information Form  
Page 2

11. If new positions are created, explain the disposition of employees once the grant ends?

N/A

12. Are indirect costs eligible costs for this grant? Yes: X No:

If yes, please identify the amount of \$ in indirect costs? \$19,700

13. Amount to be spent on contractual services:

14. a.) Will Contractual Services be put out to Bid? N/A

b.) If so, will contract services help to further the goals of the department's MBE/WBE requirements? N/A

15. Is this likely to be a one-time or ongoing request for contracting out? N/A

16. Term of Grant: Start-Date: October 1998 End-Date: December 1999

17. Date Department Notified of Available Funds: June 1998

18. Grant Application Due Date: April 1998

19. Grant Funding Guidelines and Options (selected from RFP, grant announcement or appropriations legislation):

The Urban Consortium energy Task Force

The Urban Consortium Energy Task Force (UCETF) has the formal mission to develop, apply and transfer and commercialize practical technologies and advanced management techniques that aid effective energy management in America's major cities and urban counties. The participants in UCETF programs endeavor to improve the mix and efficiency of energy use both in local government operations and for the community as a whole.

The program concentrates on three general objectives as defined by the Urban Consortium membership:

Definition of urban energy problem(s) - identifying critical and common urban needs in energy management and technology that can be addressed through projects led by city or county staff.



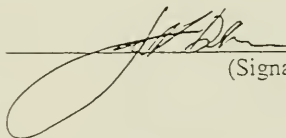
Grant Application Information Form  
Page 3

Support for problem resolution - developing and adapting innovative technology and advanced management practices that enhance local staff capabilities to improve financial management and increase effective private public cooperation, and

Transfer and/or commercialization of successful results - evaluating results to generalize, combine and consolidate those results for transfer, commercialization and replication in other cities and counties.

These objectives guide the program's strategic direction and funding priorities. Project proposals will be selected for the 1998-99 program through an extensive peer review process that will assure consistency with these objectives.

20. Department Head Approval: JOHN DEAKIN DIRECTOR  
(Name) (Title)

  
(Signature)

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Items 11 and 12 – Files 98-1284 and 98-1285

Department: Public Utilities Commission (PUC)

Item: Item 11, File 98-1284: Resolution authorizing the City, on behalf of the Public Utilities Commission, to execute a permanent right-of-way permit for the City to construct, operate and maintain a sewer overflow tunnel and associated facilities within the boundaries of the Golden Gate National Recreational Area, a unit of the National Park System, United States Department of Interior.

Item 12, File 98-1285: Resolution authorizing settlement of an unlitigated claim of the United States Department of Interior, National Park Service against the City and County of San Francisco for a total settlement of \$508,709.

Description: On December 11, 1995, the sandy soil underlying the hillside between 24th Avenue and El Camino del Mar in the Seacliff district of the City was eroded by storm water flowing from a failed brick sewer that crossed beneath the slope. Stormwater from the failed sewer and debris flowed onto the Presidio, which is operated by the Golden Gate National Recreation Area and owned by the National Park Service, causing damage to (1) the Richmond Transport Project, a City-owned overflow sewer system which traverses the Presidio, and (2) the Lobos Creek basin, a natural creek adjacent to the Richmond Transport Project.

The National Park Service filed an administrative claim with the Controller in excess of \$1,000,000 for damage to the Presidio. According to Mr. John Roddy of the City Attorney's Office, the PUC and the National Park Service have worked together to reach agreement as to the appropriate restoration and cost of that restoration to be paid by the City to the National Park Service as a result of the damage caused from the Seacliff sewer incident.

These proposed resolutions would serve the dual purpose of (1) authorizing the City to enter into a permanent right-of-way permit to allow the City to operate the

BOARD OF SUPERVISORS  
BUDGET ANALYST

Richmond Transport Project which was damaged in December of 1995 during the Seacliff sewer incident, and (2) authorize the City to pay the National Park Service \$508,709 to complete the project and to settle an unlitigated claim against the City for damage caused to the Presidio.

The Richmond Transport Project is a two-mile long underground tunnel that captures combined sanitary and stormwater flows. A portion of this Project passes under the southwest corner of the Presidio. Since 1992, the City had been granted a temporary right-of-way permit by the National Park Service to construct the Project, which was incomplete at the time of the Seacliff sewer failure.

The City has negotiated a permanent right-of-way permit from the National Park Service, which is necessary to operate the Richmond Transport Project. Of the \$508,709 proposed payment by the City to the National Park Service and the Golden Gate National Recreation Area, \$208,092 is proposed as payment of previously incurred obligations of the City to the National Park Service in order for the City to complete the Richmond Transport Project in accordance with the construction permit and environmental impact mitigation documentation required by the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for authorizing the City to construct the Richmond Transport Project in the Presidio.

The remaining \$300,617 (\$508,709 less \$208,092) is proposed as compensation for damages to the National Park Service property at the Presidio caused by the Seacliff sewer failure.

In consideration for the proposed settlement payment, the National Park Service has agreed to release the City from any and all liability and to waive all claims resulting from the Seacliff sewer incident.

Comments:

1. According to Mr. Roddy and Mr. Everett Hintze of the PUC, the City's payment of \$300,617 in damages is payment for specific repair projects to the Presidio. The

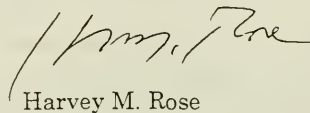
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BUDGET ANALYST

Memo to Economic Development, Transportation and Technology Committee  
August 18, 1998 Economic Development, Transportation and Technology  
Committee Meeting

Attachment to this report, provided by the PUC, (a) describes the nature of the repair work to be done by the National Park Service, (b) contains the City's proposed payment for such work, and (c) contains the funding sources to pay for such work. Mr. Roddy reports that the PUC will maintain oversight of the National Park Service to insure that the damage payment of \$300,617 is expended by the National Park Service as specified in the proposed settlement.

2. According to Mr. Hintze, the Richmond Transport Project is currently operational, and the site has been entirely cleared of all debris caused by the Seacliff sewer incident.

**Recommendation:** Approval of the proposed resolution, File 98-1284, and the proposed resolution, File 98-1285, are policy matters for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

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BUDGET ANALYST

**PUC CLAIMS RESOLUTION  
RICHMOND TRANSPORT AND SEACLIFF  
8/13/98**

LOCATION	NATURE OF WORK	COST Permit Work	COST Mitigation	TOTAL
Building 1750	Landscape restoration		\$132,169	\$132,169
	Plant propagation		\$32,500	\$32,500
	Asphalt repair		\$18,000	\$18,000
22nd Street	Viewing deck construction	\$27,000		\$27,000
Lincoln Boulevard	Landscape restoration	\$57,583		\$57,583
	Purchase of sand	\$24,000		\$24,000
	Monitor revegetation	\$21,009	(\$21,009)	\$0
Chemical Building	Vegetation installation	\$20,500		\$20,500
Lobos Creek	Native plant restoration		\$38,000	\$38,000
	Revision of restoration plan	\$8,000		\$8,000
	Installation of site improvements		\$100,957	\$100,957
All Sites	Irrigation & maintenance	\$50,000		\$50,000
	<b>GRAND TOTALS</b>	<b>\$208,092</b>	<b>\$300,617</b>	<b>\$508,709</b>

The source of funds is the Richmond Transport Program, an unrestricted bond fund.



AUG 24 1998

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AGENDA *Action Taken*  
REGULAR MEETING

ECONOMIC DEVELOPMENT, TRANSPORTATION & TECHNOLOGY COMMITTEE  
BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, AUGUST 18, 1998 - 10:00 A.M.

VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

CLERK: GAIL JOHNSON

1. File 98-1242. [Reserved Funds, PTC-Municipal Railway] Hearing to consider release of reserved funds, Public Transportation Commission (Federal capital assistance, Resolution No. 300-96), in the amount of \$903,750 to fund the cable car vehicle rehabilitation. (Municipal Railway)  
(Consideration continued from 8/4/98)

ACTION: Release of \$903,750 approved. Filed.

2. File 98-1363. [Hold Harmless Agreement, City of Vallejo] Resolution authorizing the Port of San Francisco to hold the City of Vallejo harmless from all claims arising from cooperative agreement for construction of a new public ferry terminal at Pier 43, Fisherman's Wharf. (Supervisor Yaki)

ACTION: Hearing held. Recommended.

3. File 98-1332. [Mission Bay Street Vacation] Resolution declaring the intention of the Board of Supervisors to vacate certain street areas within Mission Bay; setting the hearing date for all persons interested in the proposed vacation of the street areas; and adopting findings that the vacation is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1. (Supervisor Yaki)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Yaki, adopted. Recommended as amended.

4. File 98-1333. [Mission Bay Street Vacation] Ordinance ordering the vacation of certain street areas within Mission Bay; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such vacation of street areas is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1. (Supervisor Yaki)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Yaki, adopted. To Board Without Recommendation for consideration on October 19, 1998.

5. File 98-1298. [Golden Gate Park Concourse Authority] Resolution authorizing the incorporation of the Golden Gate Park Concourse Authority pursuant to the Golden Gate Park Revitalization Act, approved by the voters on June 2, 1998; authorizing the set aside of certain real property to be under the Golden Gate Park Concourse Authority's jurisdiction; and approving and ratifying certain actions in connection therewith. (Supervisor Yaki)

ACTION: Hearing held. Recommended.

6. File 98-1364. [Head Start Program] Hearing to consider the status of the Head Start Program in San Francisco. (Supervisor Yaki)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

7. File 98-1304. [Treasure Island Development Authority] Resolution extending the City's program of self-insurance to the activities of the Treasure Island Development Authority. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Recommended.

8. File 98-1012. [Treasure Island Public Access] Resolution urging the Treasure Island Development Authority to study and develop a limited public access plan and report the plan to the Economic Development, Transportation and Technology Committee of the Board of Supervisors within 30 days of the passage of this resolution. (Supervisor Yaki)

(Consideration continued from 8/4/98)

ACTION: Hearing held. Recommended.

9. File 98-1316. [Treasure Island Project Status] Hearing to consider the status of projects and plans for Treasure Island. (Supervisor Yaki)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

10. File 98-1281. [Energy Conservation Grant] Resolution authorizing the General Manager of the Public Utilities Commission to apply for, accept and expend a grant of \$70,000 from the U.S. Department of Energy and the Urban Consortium Energy Task Force; ratification of action previously taken. (Public Utilities Commission)

ACTION: Amended on page 1, line 20, by deleting "19,700 in indirect costs and." Further amended on page 1, line 20, by replacing "\$50,300" with "\$70,000." Recommended as amended.

11. File 98-1284. [Right-of-Way Permit, GGNRA Sewer Overflow Tunnel] Resolution authorizing the City and County of San Francisco, on behalf of the Public Utilities Commission, to execute a right-of-way permit to construct, operate and maintain a sewer overflow tunnel and associated facilities within the boundaries of the Golden Gate National Recreation Area, a unit of the National Park System, United States Department of Interior; companion measure to File 98-1285. (Public Utilities Commission)

ACTION: Hearing held. Recommended.

12. File 98-1285. [Unlitigated Claim - National Park Service] Resolution authorizing settlement of unlitigated claim of the United States Department of Interior, National Park Service against the City and County of San Francisco for a total settlement of \$508,709; companion measure to File 98-1284. (Public Utilities Commission)

ACTION: Hearing held. Recommended.

13. File 98-1256. [Agreement to Decommission Power Plants] Ordinance approving an agreement with Pacific Gas and Electric Company to decommission Hunters Point Power Plant and withdraw City's bid to purchase Hunters Point Power Plant and Potrero Power Plant. (Mayor Willie L. Brown, Jr.)

ACTION: Hearing held. Recommended.

14. File 98-0804. [Skate Transit Pilot Program] Ordinance amending Traffic Code Section 100 to revise provisions regulating the use of roller skates and by adding Sections 100.1 to 100.6, inclusive, to regulate the use of roller skates and in-line skates on certain roadways and sidewalks; providing for sunset provision (expires December 31, 1999). (Supervisors Ammiano, Bierman)

ACTION: Consideration continued to September 15, 1998, meeting.

### LEGISLATION UNDER THE 30 DAY RULE

Rule 5.40 provides that when legislation is introduced which would create or revise major City policy, the committee to which the legislation is assigned shall not consider the legislation until at least 30 days after the date of introduction. Now pending:

File 98-1335. [Information Technology Procurement] Ordinance amending Administrative Code Sections 21B.2, 21B.3, 21B.4, 21B.5, 21B.6, 21B.8 and 21B.11 to delete the definition of "Director" and to define "Computer Store" and COIT Staff"; to make the Purchaser responsible for emergency determinations and COIT staff responsible for certain decisions regarding procurement procedures under Chapter 21B, to require departments to purchase commodities and services available from the City-wide computer store contract from the computer store and to pay an administrative fee to the Committee on Information Technology for actual costs associated with administering the computer store contract, to clarify the requirements for software license procurements, to require the Purchaser's participation in the development of protest procedures under Chapter 21B, and to authorize the Purchaser to enter into computer store contracts. (Supervisor Katz), 30-Day Rule expires on 9/9/98.

File 98-1339. [Valencia Street Bicycle Lanes] Resolution establishing bicycle lanes on Valencia Street on a one-year trial basis; urging the Department of Parking and Traffic to enact and rescind traffic regulations on Valencia Street in order to accommodate the bicycle lanes; and making findings of compliance with the California Environmental Quality Act and of General Plan conformity. (Supervisor Medina), 30-Day Rules expires on 9/9/98.

Watch future calendars for scheduling of these matters.

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NOTICE OF CANCELED MEETING  
ECONOMIC DEVELOPMENT, TRANSPORTATION AND  
TECHNOLOGY COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, September 1, 1998, at 10:00 a.m., has been canceled.

The next regularly scheduled meeting of the Economic Development, Transportation and Technology Committee will be held on Tuesday, September 15, 1998, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script that reads "John L. Taylor".

John L. Taylor  
Clerk of the Board

POSTED: AUGUST 20, 1998







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## BOARD OF SUPERVISORS

## BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

September 11, 1998

**TO:** Economic Development, Transportation and Technology Committee

**FROM:** Budget Analyst *Recommendations for meeting of*

**SUBJECT:** September 15, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 1 - File 98-612

1. This item is an ordinance amending the San Francisco Administrative Code by amending Chapter 12D thereto to establish a new minority/women/local business enterprise (MBE/WBE/LBE) ordinance to (1) remedy identified discrimination against certain prime contractor MBE/WBEs in the City's procurement process and to eliminate the competitive disadvantage prime contractor LBEs labor under in the City's procurement process, and (2) require City contracting departments to implement an MBE/WBE program mandating prime contractors to use good faith efforts to use MBE/WBE firms when there are subcontracting opportunities in public works and professional service contracts.

2. The proposed ordinance would replace the existing MBE/WBE/LBE Ordinance III, which expires on October 31, 1998. The short title of the proposed ordinance is the "MBE/WBE/LBE Ordinance IV." The proposed MBE/WBE/LBE Ordinance IV would be effective for the 56-month period from November 1, 1998, through June 30, 2003.

3. MBE/WBE/LBE Ordinance III, which became effective July 1, 1992, and which was preceded by MBE/WBE/LBE Ordinances I (effective July 1, 1984) and II (effective July 1, 1989), provides the following preferences to "economically disadvantaged"<sup>1</sup> minority-, women-, and locally-owned businesses: a) a 5 percent

<sup>1</sup> As defined in the proposed ordinance, an "economically disadvantaged business" means a business whose average gross annual receipts in the three fiscal years immediately preceding its application

preference to LBE firms, to joint ventures with local MBE or WBE participation which equals or exceeds 35 percent but is under 40 percent, or to joint ventures composed of only local businesses with no local MBE or WBE participation or where the local MBE or local WBE participation is less than 35 percent; b) a 7.5 percent preference to joint ventures with MBE or WBE participation between 40 percent and 50.9 percent; and c) a 10 percent bid preference to certified MBE or WBE firms and to joint ventures with MBE or WBE participation which equals or exceeds 51 percent. The Ordinance further provides for Citywide goals for MBEs (by ethnic group) and WBEs for each industry in which a bid preference is specified.

4. The purposes of MBE/WBE/LBE Ordinance IV, as proposed in Section 12D.A.3 of the Administrative Code, are as follows:

- A) To correct identified discriminatory practices inherent in the City's procurement process and in the award of prime contracts to MBE/WBE contractors;
- B) To develop the status and capability of MBE/WBE contractors as prime contractors of the City; and,
- C) To offset some of the economic disadvantages which local businesses continue to face and which are not shared by non-local businesses. As stated in the Ordinance, the cost of locating and doing business in San Francisco continues to be as much as 15 percent and greater than the cost of doing business in the surrounding communities. For example, a local business faces the economic disadvantage of higher rents than do businesses located in various other locations.

5. The proposed legislation establishes a new Minority/Women/Local Business Ordinance to replace the existing ordinance, which expires on October 31, 1998. The new ordinance essentially continues the existing programs, with the following substantive changes:

- a. Adds the terms "best efforts" and "discount" to the list of terms defined in the proposed ordinance;
- b. Separately identifies "trucking" for the purpose of establishing a ceiling of \$3,500,000 in average gross annual receipts in the three fiscal years immediately preceding its application for certification as an MBE, WBE, or LBE firm;

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for certification as an MBE, WBE, or LBE do not exceed the following limits: (1) Public works/ construction - \$14,000,000; (2) Goods/ materials/ equipment/ and general services suppliers - \$2,000,000; (3) Professional services - \$2,000,000; and (4) Trucking - \$3,500,000.

- c. Adds race-conscious remedies to Arab Americans and Native Americans;
- d. Specifies that the Director of the HRC shall notify the aggrieved business within three working days of the decision to revoke or deny certification as an MBE, WBE, or LBE via certified mail or facsimile. Previously, no time limit or method of notification were specified;
- e. Adds the provision that the Controller shall require prime contractors to submit, within 10 days following payment to a prime contractor of funds owed for work completed on a project, an affidavit that all subcontractors on the project have been paid. If a prime contractor fails to submit the required affidavit, the Controller shall notify the contract awarding authority and the Director of the HRC, who shall take appropriate action;
- f. Transfers the authority to review the decisions of the Director of the HRC concerning the Director's denying a contractor's request to waive or reduce subcontractor participation goals from the three-member Subcontracting Goals Committee to the Human Rights Commission;
- g. Adds the requirement that the Director of the HRC approve, for the purpose of compliance with the MBE/WBE/LBE ordinance, any contract amendment, modification, supplement or change order that cumulatively increases the total dollar value of all contracts originally valued at \$50,000 or more by more than 20 percent;
- h. Adds additional reporting requirements for prime contractors using subcontractors, and requires that the Controller withhold 20 percent of payments to any prime contractor that the Director of the HRC certifies has failed to comply with those reporting requirements;
- i. Changes the name of the Contract Review Committee, which currently has the authority to review contracts proposed by the Director of the HRC or by a department to be set-aside for competition limited to MBEs, WBEs, and/or joint ventures with MBEs/WBEs, to the Review Committee; replaces membership of the Committee from the HRC Director and one individual each appointed by the Mayor and the Board of Supervisors to one individual each appointed by the Mayor, the HRC, and the particular contract awarding authority;

- j. Contains comprehensive updated findings to support the programs it continues. Attachment I to this report contains a summary of the updated findings.

#### Mason Tillman Disparity Study

The table on the following page summarizes the statistical results of the disparity study conducted by Mason Tillman Associates, a consulting firm retained by the HRC, for the period of July 1, 1992, through June 30, 1995. The availability percentage for each contracting category by ethnic group precedes the percentage of contract dollars awarded to each ethnic group in that contracting category. Disparities between availability percentages<sup>2</sup> and contract award percentages<sup>3</sup> identified in the study as being statistically significant are shown in bold.

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<sup>2</sup> Availability percentage refers to the proportion of willing and able firms (in this case by ethnicity or overall status as an MBE or WBE) in the relevant market area.

<sup>3</sup> Contract award percentage refers to the proportion of contract dollars actually awarded to firms (in this case by ethnicity or overall status as an MBE or WBE) willing and able to perform the contractually required work.

**MASON TILLMAN DISPARITY STUDY**  
**SUMMARY OF DISPARITY ANALYSIS: JULY 1, 1992 – JUNE 30, 1995**

*Availability Percentages*  
*Contract Dollar Award Percentages*

Certified<sup>4</sup> and Non-Certified Businesses

<u>Ethnicity</u>	<u>Construction</u>	<u>Architecture and Engineering</u>	<u>Professional Services</u>	<u>Goods and Supplies</u>
African American	10.24	6.52	10.65	5.52
Arab American	1.44	9.68	5.08	2.76
Asian American	0.80	0.91	4.66	4.37
Latino American	0.00	0.01	0.00	0.00
Native American	20.71	27.12	16.32	12.14
Caucasian	3.0	17.75	11.92	2.43
Women	9.67	5.76	5.77	4.99
Men	5.28	6.18	0.95	2.28
Caucasian	0.80	0.30	0.78	0.22
Women	0.00	0.00	0.00	0.06
Caucasian	8.08	17.73	21.75	11.96
Women	1.37	6.07	3.22	2.49
Caucasian	49.72	41.67	40.07	60.81
Men	88.92	60.31	78.83	89.98

Attachment II to this report is an extract from the Mason Tillman Study that provides detailed information on the dollars awarded in each contracting category.

The Mason Tillman Study also contains an analysis of anecdotal testimony collected during the Study concerning general discriminatory conditions in the market area, business institutional discrimination, discrimination by prime contractors, and specific experiences with the City. Attachment III to this report is an extract of the Study's summary of the anecdotal testimony collected.

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<sup>4</sup> Certified MBE/WBE firms are economically disadvantaged local firms that have been certified as such by the HRC. Registered MBE/WBE firms are at least 50.1 percent owned by minorities or women but do not qualify to be certified because they are not local firms.



HRC Disparity Study

The following table summarizes the statistical results of the disparity study conducted by HRC for calendar years 1996 and 1997. The availability percentage for each contracting category by ethnic group precedes the percentage of contract dollars awarded to each ethnic group in that contracting category.

**SUMMARY OF HRC DISPARITY ANALYSIS**

January 1, 1996–December 31, 1997

*Availability Percentages*  
*Contract Dollar Award Percentages*

Certified and Non-Certified Businesses

<u>Ethnicity</u>	<u>Construction</u>	<u>Architecture and Engineering</u>	<u>Professional Services</u>	<u>Goods and Supplies</u>
African	10.42	6.23	5.04	4.57
American	2.69	0.97	3.79	0.47
Asian/Pacific	20.63	26.01	7.56	7.66
Islanders	4.44	3.24	1.21	0.27
Latino American	10.21	5.45	2.63	3.47
	6.72	0.89	0.53	0.08
Caucasian	7.06	18.07	10.25	6.21
Women	1.69	1.67	1.94	0.23
Caucasian Men	3.47	9.50	1.66	0.76
	0.11	0.16	0.33	0.41
Non-Certified	48.21	34.74	72.85	77.32
	84.35	93.06	92.20	98.54

Attachment IV to this report is an extract from the HRC Study that provides detailed information on the dollars awarded in each contracting category.

According to the HRC Study, African Americans, Asian/Pacific Islander Americans, Latino Americans, and Caucasian Women were underutilized as prime contractors in each of the four contracting categories. Also according to the HRC Study, non-certified businesses were overutilized as prime contractors in each of the contracting categories.

The HRC Study also contains a transcript of anecdotal testimony collected at a March 30, 1998 public hearing. The HRC Study also lists several discriminatory

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



practices which, according to the Study, were discovered during the review of contracting data for the Study, which are as follows:

- a. Listing MBE/WBE firms as subcontractors in order to comply with MBE/WBE participation goals, but never using those firms on the contract;
- b. Awarding subcontracts to MBE/WBE firms but not permitting those firms to perform any work on the contract;
- c. Using non-minority, male subcontractors not listed on relevant HRC forms;
- d. Joint Ventures involving MBE/WBE firms and majority-owned firms wherein the MBE/WBE firm did not perform any work on the contract.

### Comments

1. As shown in Attachment IV to this report, the HRC Disparity Study charts show a "Non-Certified" category without further ethnic identification in the "Ethnicity" column in the top portion of the charts, whereas the Mason Tillman Disparity Study charts, as shown in Attachment II, attribute ethnicity to each category in the "Ethnicity" column of the top portion of the charts. Ms. Zula Jones of the HRC reports that the rows reflecting certified Caucasian males and non-certified should be combined as one total in order to accurately reflect the participation rate for Caucasian males.
2. According to Ms. Jones of the HRC, the HRC will not require additional resources to administer the provisions of the proposed replacement MBE/WBE/LBE Ordinance IV.
3. According to Mr. Buck Delventhal of the City Attorney's Office, another major purpose of the proposed ordinance is to remedy discrimination by City prime contractors in the award of their subcontracts.

### Recommendation

Approval of MBE/WBE/LBE Ordinance IV for a 56-month period, from November 1, 1998, through June 30, 2003, is a policy matter for the Board of Supervisors.

### Summary of Findings

Under the provisions of the proposed ordinance, the Board of Supervisors would make the following findings:

- a. The decision makers in the City contracting process – the City department heads and general and deputy managers – have been and continue to be overwhelmingly Caucasian males. Based on the evidence presented by numerous witnesses, the Board finds that many City departments continue to operate under an “old boy network,” dominated by Caucasian males, that creates a barrier to the entry of women- and minority- owned businesses and puts those firms at a competitive disadvantage in their efforts to security City contracts.
- b. The City has conducted two comprehensive disparity studies to gauge discrimination against women- and minority-owned businesses in the City’s contracting. These two studies, one conducted by Mason Tillman Associates covering the years 1992-1995, and a second conducted by the City’s Human Rights Commission staff covering the years 1996-1997, have thoroughly and conclusively documented the fact that women- and minority-owned businesses continue to receive a smaller share of contracts for the purchases of goods and services by the City than would be expected based on the number of able and available women- and minority-owned businesses.
- c. The Mason Tillman Study analyzed the City contracting data for various groups for the years 1992 through 1995. Under a fair and equitable system of awarding contracts, the proportion of contract dollars awarded to minority- and women-owned business enterprises would be equal to the proportion of willing and able minority- and women-owned enterprises in the relevant market area. If these proportions are not equal, or if a disparity exists between these proportions, the probability that the disparity is due to chance is determined using a statistical test. If there is a very low probability that the disparity is due to chance, the Supreme Court has stated that an inference of discrimination can be made.
- d. In addition to statistical analysis, the Mason Tillman study also reviewed testimonial evidence of discrimination from 35 individuals including 5 African Americans, 7 Asian Americans, 3 Latino Americans, 4 Native Americans, 8 Arab Americans, and 8 Caucasian women. The report also reviewed written testimony of discrimination and testimony from public hearings. The report found, based on this testimonial evidence, that minorities and women continuously face racial prejudice in both the public and private sector markets in San Francisco.

The report also documents numerous specific instances of discrimination against minority- and women- owned businesses and hostility in the industry toward the M/WBE program.

- e. The Human Rights Commission, beginning in February of 1998, reviewed statistical evidence available for the years 1996-1997, and determined that the discrimination identified in the Mason Tillman study was still present in 1996 and 1997, in that women- and minority-owned business enterprises continued to be used at rates substantially below what would be expected based on the availability of such firms. In addition, the HRC report reviewed extensive other evidence, including testimonial evidence, about the presence of discrimination in the City and County's contracting processes. The HRC report also documents hostility and active resistance to the W/MBE program by various City departments and agencies.
- f. The 1996-97 Disparity Study prepared by the HRC also includes evidence concerning historically ineffective enforcement of the W/MBE program by the HRC due to resistance from other City departments and inadequate funding of the HRC's oversight and monitoring activities. Prior to the induction of the current mayoral administration, the budget for the Human Rights Commission was one of the lowest in City government, ranking below that of Animal Care & Control. Even under the current mayoral administration, however, while gains have been made, the budget of the Human rights Commission is still one the lowest in City Government, ranking below that of the Art Commission.
- g. The Board finds that these two disparity studies demonstrate that the City and County of San Francisco is actively discriminating against women and minority groups in its contracting, and is passively participating in discrimination in the private sector. *The Board finds that these studies establish that the City's current contracting practices are in violation of federal law and that as a result, this ordinance is required by federal law to bring the City into compliance with federal civil rights law in its contracting practices (Emphasis added).*
- h. In addition to the disparity studies undertaken by the City and County of San Francisco, the Board has reviewed numerous studies by San Francisco-based agencies. These studies, although narrower in scope, support the findings of the disparity studies undertaken by the City to assess discrimination against women and minorities in City contracting.
- i. A number of broad disparity studies undertaken by state and other local governments and agencies also support the findings of discrimination in San Francisco's studies.
- j. This Board finds that Arab Americans who seek prime and subcontracting opportunities have been underutilized in the award of such contracts by City Departments, and that such underutilization is attributable to discrimination both in the private sector and in the City's procurement practices.
- k. This Board finds that Native Americans who seek prime and subcontracting opportunities have been underutilized in the award of such contracts by City

departments, and that such underutilization is attributable to discrimination both in the private sector and in the City's procurement practices.

- l. The Board has also reviewed and considered several volumes of collected social science materials concerning discrimination against women and minorities in the Bay Area and in public contracting. These social science materials strongly support, and are consistent with, the findings in the statistical and testimonial evidence that discrimination exists against women and minorities in the City's contracting and in the private market for similar contracts.
- m. In enacting the Ordinance, the Board considered and relied on (a) the fact that a substantial percentage of City agencies receive federal funds, a vast portion of which is expended in city contracts, (b) the federal requirements for eradication of discrimination, including the evidence supporting those requirements, and (c) all applicable constitutional standards including those that apply to federally-funded projects.
- n. This Board finds that the testimony of minority and women business owners who seek to enter into contracts with the City or are doing business with the City, as presented to this Board and the Human Rights Commission, offer clear and persuasive evidence of discrimination to such an extent that the disparity of contract dollars awarded to minority- and women-owned enterprises can only be explained by discrimination. The statistical evidence, oral histories, and social science evidence reviewed by this Board also support this finding.

Table 3.1

Disparity Analysis: Construction  
Fiscal Years: 1992-93 to 1994-95  
Certified and Non-Certified Businesses

Column 1	Column 2	Column 3	Column 4	Column 5	Col 6
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African Americans	\$14,784,142	1.44%	10.24%	\$105,292,966	-1.51
Arab Americans	\$0	0.00%	0.80%	\$8,189,453	-0.46
Asian Americans	\$30,841,673	3.00%	20.71%	\$212,925,776	-2.27
Latino Americans	\$54,248,644	5.28%	9.67%	\$99,443,357	-0.77
Native Americans	\$19,645	0.00%	0.80%	\$8,189,453	-0.46
Caucasian Females	\$14,080,762	1.37%	8.08%	\$83,064,451	-1.28
Caucasian Males	\$914,386,438	88.92%	49.72%	\$511,255,847	4.07
TOTAL	\$1,028,361,304	100.00%	100.00%	\$1,028,361,304	

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African American Females	\$0	0.00%	1.14%	\$11,599,218	-0.56
African American Males	\$14,784,142	1.44%	9.10%	\$93,593,743	-1.38
Arab American Females	\$0	0.00%	0.00%	\$0	—
Arab American Males	\$0	0.00%	0.80%	\$8,189,453	-0.46
Asian American Females	\$0	0.00%	1.37%	\$14,039,062	-0.61
Asian American Males	\$30,841,673	3.00%	19.34%	\$198,886,714	-2.15
Latino American Females	\$1,203,446	0.12%	0.80%	\$8,189,453	-0.40
Latino American Males	\$53,045,198	5.16%	8.67%	\$91,253,904	-0.68
Native American Females	\$0	0.00%	0.00%	\$0	—
Native American Males	\$19,645	0.00%	0.80%	\$8,189,453	-0.46
Caucasian Females	\$14,080,762	1.37%	8.08%	\$83,064,451	-1.28
Caucasian Males	\$914,386,438	88.92%	49.72%	\$511,255,847	4.07
TOTAL	\$1,028,361,304	100.00%	100.00%	\$1,028,361,304	

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
Minority Females	\$1,203,446	0.12%	3.30%	\$33,927,734	-0.92
Minority Males	\$98,690,658	9.60%	38.91%	\$400,113,272	-3.12
Caucasian Females	\$14,080,762	1.37%	8.08%	\$83,064,451	-1.28
Caucasian Males	\$914,386,438	88.92%	49.72%	\$511,255,847	4.07
TOTAL	\$1,028,361,304	100.00%	100.00%	\$1,028,361,304	

Minority and Women	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
MBE	\$99,894,104	9.71%	42.21%	\$434,041,005	-3.41
WBE	\$15,284,208	1.49%	11.38%	\$116,992,185	-1.62
MWBE	\$113,974,366	11.08%	50.28%	\$517,105,456	-4.07

An asterisk ( \*) denotes statistical significance at the .05 level.



Table 3.4

## Disparity Analysis: Architecture and Engineering

Fiscal Years: 1992-93 to 1994-95

Certified and Non-Certified Businesses

Column 1	Column 2	Column 3	Column 4	Column 5	Col 6
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African Americans	\$19,782,782	9.68%	6.52%	\$13,310,521	0.81
Arab Americans	\$18,259	0.01%	0.91%	\$1,857,282	-0.60
Asian Americans	\$36,258,127	17.75%	27.12%	\$55,408,912	-1.32
Latino Americans	\$12,615,978	6.18%	5.76%	\$11,762,786	0.11
Native Americans	\$0	0.00%	0.30%	\$619,094	-0.35
Caucasian Females	\$12,411,041	5.07%	17.73%	\$36,216,999	-1.92
Caucasian Males	\$123,214,830	60.31%	41.67%	\$85,125,424	2.38
TOTAL	\$204,301,017	100.00%	100.00%	\$204,301,017	

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African American Females	\$0	0.00%	1.06%	\$2,166,829	-0.65
African American Males	\$19,782,782	9.68%	5.45%	\$11,143,692	1.17
Arab American Females	\$0	0.00%	0.15%	\$309,547	-0.24
Arab American Males	\$18,259	0.01%	0.76%	\$1,547,735	-0.54
Asian American Females	\$9,950	0.00%	4.24%	\$8,667,316	-1.32
Asian American Males	\$36,248,177	17.74%	22.88%	\$46,741,596	-0.77
Latino American Females	\$37,894	0.02%	1.06%	\$2,166,829	-0.64
Latino American Males	\$12,578,084	6.16%	4.70%	\$9,595,957	0.43
Native American Females	\$0	0.00%	0.00%	\$0	---
Native American Males	\$0	0.00%	0.30%	\$619,094	-0.35
Caucasian Females	\$12,411,041	6.07%	17.73%	\$36,216,999	-1.92
Caucasian Males	\$123,214,830	60.31%	41.67%	\$85,125,424	2.38
TOTAL	\$204,301,017	100.00%	100.00%	\$204,301,017	

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
Minority Females	\$47,844	0.02%	6.52%	\$13,310,521	-1.65
Minority Males	\$68,627,303	33.59%	34.09%	\$69,648,074	-0.07
Caucasian Females	\$12,411,041	6.07%	17.73%	\$36,216,999	-1.92
Caucasian Males	\$123,214,830	60.31%	41.67%	\$85,125,424	2.38
TOTAL	\$204,301,017	100.00%	100.00%	\$204,301,017	

Minority and Women	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
MBE	\$68,675,146	33.61%	40.61%	\$82,958,595	-0.89
WBE	\$12,458,884	6.10%	24.24%	\$49,527,519	-2.66
MWBE	\$81,086,187	39.69%	58.33%	\$119,175,593	-2.30

An asterisk (\*) denotes statistical significance at the .05 level.



Table 3.7

**Disparity Analysis: Professional Services**  
**Fiscal Years: 1992-93 to 1994-95**  
**Certified and Non-Certified Businesses**

Column 1	Column 2	Column 3	Column 4	Column 5	Col 6
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African Americans	\$13,861,411	5.08%	10.65%	\$29,101,410	-1.10
Arab Americans	\$0	0.00%	4.66%	\$12,731,867	-1.35
Asian Americans	\$32,549,756	11.92%	16.32%	\$44,561,534	-0.72
Latino Americans	\$2,602,685	0.95%	5.77%	\$15,763,264	-1.26
Native Americans	\$0	0.00%	0.78%	\$2,121,978	-0.54
Caucasian Females	\$8,799,378	3.22%	21.75%	\$59,415,379	-2.73
Caucasian Males	\$215,315,628	78.83%	40.07%	\$109,433,427	4.82
TOTAL	\$273,128,858	100.00%	100.00%	\$273,128,858	

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African American Females	\$464,343	0.17%	2.89%	\$7,881,632	-0.99
African American Males	\$13,397,068	4.91%	7.77%	\$21,219,778	-0.65
Arab American Females	\$0	0.00%	1.22%	\$3,334,537	-0.68
Arab American Males	\$0	0.00%	3.44%	\$9,397,330	-1.15
Asian American Females	\$29,319,445	10.73%	5.66%	\$15,450,124	1.34
Asian American Males	\$3,230,311	1.18%	10.65%	\$29,101,410	-1.67
Latino American Females	\$76,192	0.03%	2.00%	\$5,456,514	-0.66
Latino American Males	\$2,526,493	0.93%	3.77%	\$10,306,749	-0.91
Native American Females	\$0	0.00%	0.00%	\$0	—
Native American Males	\$0	0.00%	0.78%	\$2,121,978	-0.54
Caucasian Females	\$8,799,378	3.22%	21.75%	\$59,415,379	-2.73
Caucasian Males	\$215,315,628	78.83%	40.07%	\$109,433,427	4.82
TOTAL	\$273,128,858	100.00%	100.00%	\$273,128,858	

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
Minority Females	\$29,859,980	10.93%	11.76%	\$32,132,807	-0.16
Minority Males	\$19,153,872	7.01%	26.42%	\$72,147,245	-2.68
Caucasian Females	\$8,799,378	3.22%	21.75%	\$59,415,379	-2.73
Caucasian Males	\$215,315,628	78.83%	40.07%	\$109,433,427	4.82
TOTAL	\$273,128,858	100.00%	100.00%	\$273,128,858	

Minority and Women	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
MEE	\$49,013,852	17.95%	38.18%	\$104,280,052	-2.54
WBE	\$38,659,358	14.15%	33.52%	\$91,548,185	-2.50
MWEE	\$57,813,230	21.17%	59.93%	\$163,695,431	-4.82

An asterisk (\*) denotes statistical significance at the .05 level.

Table 3.10

**Disparity Analysis: Purchasing**  
**Fiscal Years: 1992-93 to 1994-95**  
**Certified and Non-Certified Businesses**

Column 1	Column 2	Column 3	Column 4	Column 5	Col 6
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African Americans	\$20,887,865	2.76%	5.52%	\$41,809,427	-2.11
Arab Americans	\$13,937	0.00%	4.37%	\$33,113,066	-3.73
Asian Americans	\$18,402,325	2.43%	12.14%	\$91,980,740	-5.20
Latino Americans	\$17,266,485	2.28%	4.99%	\$37,795,722	-2.17
Native Americans	\$490,987	0.06%	0.22%	\$1,672,377	-0.58
Caucasian Females	\$18,899,448	2.49%	11.96%	\$90,642,838	-5.10
Caucasian Males	\$681,960,249	89.98%	60.81%	\$460,907,126	10.44
TOTAL	\$757,921,297	100.00%	100.00%	\$757,921,297	

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
African American Females	\$5,273,502	0.70%	1.41%	\$10,703,213	-1.06
African American Males	\$15,614,363	2.06%	4.10%	\$31,106,214	-1.90
Arab American Females	\$0	0.00%	1.06%	\$8,027,410	-1.81
Arab American Males	\$13,937	0.00%	3.31%	\$25,085,656	-3.23
Asian American Females	\$3,778,851	0.50%	3.35%	\$25,420,132	-2.77
Asian American Males	\$14,623,474	1.93%	8.78%	\$66,560,608	-4.23
Latino American Females	\$1,456,227	0.19%	1.41%	\$10,703,213	-1.81
Latino American Males	\$15,810,258	2.09%	3.57%	\$27,092,509	-1.40
Native American Females	\$0	0.00%	0.00%	\$0	—
Native American Males	\$490,987	0.06%	0.22%	\$1,672,377	-0.58
Caucasian Females	\$18,899,448	2.49%	11.96%	\$90,642,838	-5.10
Caucasian Males	\$681,960,249	89.98%	60.81%	\$460,907,126	10.44
TOTAL	\$757,921,297	100.00%	100.00%	\$757,921,297	

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
Minority Females	\$10,508,580	1.39%	7.24%	\$54,853,969	-3.95
Minority Males	\$46,553,020	6.14%	19.99%	\$151,517,364	-6.05
Caucasian Females	\$18,899,448	2.49%	11.96%	\$90,642,838	-5.10
Caucasian Males	\$681,960,249	89.98%	60.81%	\$460,907,126	10.44
TOTAL	\$757,921,297	100.00%	100.00%	\$757,921,297	

Minority and Women	Actual Dollars	Utilization%	Availability%	Expected Dollars	Z
MSE	\$57,061,600	7.53%	27.23%	\$206,371,333	-7.73
WBE	\$29,408,028	3.88%	19.20%	\$145,496,807	-6.80
MWBE	\$75,961,049	10.02%	39.19%	\$297,014,171	-10.44

An asterisk ( \* ) denotes statistical significance at the .05 level.

**Summary of Mason Tillman Anecdotal Data Collection**

According to the Mason Tillman Study, the following anecdotal testimony was received through interviews during the study.

- Although minorities and women indicate positive experiences in some contracting areas, the numbers and anecdotes do not indicate predominantly positive experiences in these areas. A small number of interviewees are experiencing success, developing positive working relationships, and expanding their businesses within the market area, while a larger number are encountering barriers both inside and outside of the race- and gender-based programs established to assist them.
- The barriers encountered by M/WBEs in the market area are widespread and often prevent adequate business development, causing minority- and woman-owned businesses to remain small and, in some cases, to go out of business. Barriers to the inclusion of M/WBEs in contracting opportunities occur at many levels in the marketplace: in both private and public sectors; from individual managers and agencies, both in contracts with and without M/WBE program goals; and, in the financial arena as well as the areas of bidding, contractual agreements, and work inspections.
- Minorities and women in the market area continue to experience incidents of racial or gender discrimination that negatively affect their professional relationships and business development. Discriminatory acts occur in many areas of the marketplace by private sector employees, public agency personnel, employees in financial institutions, and majority colleagues. It is clear from the anecdotal evidence that the M/WBE programs in the market area are not ensuring the opportunities for minorities and women that they are set up to provide. Prime contractors easily avoid good faith effort requirements and reduce the scope of contracts, while little monitoring of such activities takes place. Minorities and women, therefore, continue to lose contracting opportunities on the basis of their race or gender without receiving sufficient support from the M/WBE programs in the market area set up to assist them.

Table 6.01

# Disparity Analysis - Construction Prime Contracts

Calendar years: 1996-97

Contract amounts are based on the awarded value.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African Americans	\$14,219,118	2.69%	10.42%	\$55,094,155	-\$40,875,037	0.26
Certified Asian/Pacific Islanders	\$23,492,069	4.44%	20.63%	\$109,040,515	-\$85,548,446	0.22
Certified Latino Americans	\$35,499,044	6.72%	10.21%	\$53,946,360	-\$18,447,316	0.66
Certified Caucasian Females	\$8,949,906	1.69%	7.06%	\$37,303,334	-\$28,353,428	0.24
Certified Caucasian Males	\$561,107	0.11%	3.47%	\$18,364,718	-\$17,803,611	0.03
Non Certified	\$445,838,305	84.35%	48.21%	\$254,810,467	\$191,027,838	1.75
TOTAL	\$528,559,550	100.00%	100.00%	\$528,559,550		

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African American Female	\$46,461	0.01%	1.41%	\$7,460,667	-\$7,414,206	0.01
Certified African American Male	\$14,172,657	2.68%	9.01%	\$47,633,488	-\$33,460,831	0.30
Certified Asian/Pacific Islander Female	\$1,361,100	0.26%	1.63%	\$8,608,462	-\$7,247,362	0.16
Certified Asian/Pacific Islander Male	\$22,130,969	4.19%	19.00%	\$100,432,053	-\$78,301,084	0.22
Certified Latino American Female	\$530,444	0.10%	0.76%	\$4,017,282	-\$3,486,838	0.13
Certified Latino American Male	\$34,968,600	6.62%	9.45%	\$49,929,078	-\$14,960,478	0.70
Certified Caucasian Female	\$8,949,906	1.69%	7.06%	\$37,303,334	-\$28,353,428	0.24
Certified Caucasian Male	\$561,107	0.11%	3.47%	\$18,364,718	-\$17,803,611	0.03
Non Certified	\$445,838,305	84.35%	48.21%	\$254,810,467	\$191,027,838	1.75
TOTAL	\$528,559,550	100.00%	100.00%	\$528,559,550		

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified Minority Females	\$1,938,005	0.37%	3.80%	\$20,086,411	-\$18,148,406	0.10
Certified Minority Males	\$71,272,226	13.48%	37.46%	\$197,994,620	-\$126,722,393	0.36
Certified Caucasian Females	\$8,949,906	1.69%	7.06%	\$37,303,334	-\$28,353,428	0.24
Certified Caucasian Males	\$561,107	0.11%	3.47%	\$18,364,718	-\$17,803,611	0.03
Non Certified	\$445,838,305	84.35%	48.21%	\$254,810,467	\$191,027,838	1.75
TOTAL	\$528,559,550	100.00%	100.00%	\$528,559,550		



Table 6.01

Disparity Analysis - Purchasing Prime Contracts  
1996-97

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African Americans	\$6,253,785	0.47%	4.57%	\$60,668,077	-\$54,414,292	0.10
Certified Asian/Pacific Islanders	\$3,537,391	0.27%	7.69%	\$101,619,029	-\$98,081,639	0.03
Certified Latino Americans	\$1,090,801	0.08%	3.47%	\$46,006,625	-\$44,915,824	0.02
Certified Caucasian Females	\$3,106,895	0.23%	6.21%	\$82,407,472	-\$79,300,577	0.04
Certified Caucasian Males	\$5,427,711	0.41%	0.76%	\$10,111,346	-\$4,683,636	0.54
Non Certified	\$1,307,192,039	98.54%	77.32%	\$1,025,796,072	\$281,395,966	1.27
TOTAL	\$1,326,608,622	100.00%	100.00%	\$1,326,608,622		

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African American Female	\$981,749	0.07%	1.30%	\$17,189,289	-\$16,207,539	0.06
Certified African American Males	\$5,272,036	0.40%	3.28%	\$43,478,789	-\$38,206,752	0.12
Certified Asian/Pacific Islander Female	\$1,090,160	0.08%	2.06%	\$27,300,635	-\$26,210,475	0.04
Certified Asian/Pacific Islander Male	\$2,447,231	0.18%	5.60%	\$74,318,395	-\$71,871,164	0.03
Certified Latino American Female	\$267,755	0.02%	0.88%	\$11,628,048	-\$11,360,294	0.02
Certified Latino American Males	\$823,047	0.06%	2.59%	\$34,378,577	-\$33,555,530	0.02
Certified Caucasian Females	\$3,106,895	0.23%	6.21%	\$82,407,472	-\$79,300,577	0.04
Certified Caucasian Males	\$5,427,711	0.41%	0.76%	\$10,111,346	-\$4,683,636	0.54
Non Certified	\$1,307,192,039	98.54%	77.32%	\$1,025,796,072	\$281,395,966	1.27
TOTAL	\$1,326,608,622	100.00%	100.00%	\$1,326,608,622		

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified Minority Females	\$2,339,664	0.18%	4.23%	\$56,117,971	-\$53,778,308	0.04
Certified Minority Males	\$8,542,314	0.64%	11.47%	\$152,175,760	-\$143,633,446	0.06
Certified Caucasian Females	\$3,106,895	0.23%	6.21%	\$82,407,472	-\$79,300,577	0.04
Certified Caucasian Males	\$5,427,711	0.41%	0.76%	\$10,111,346	-\$4,683,636	0.54
Non Certified	\$1,307,192,039	98.54%	77.32%	\$1,025,796,072	\$281,395,966	1.27
TOTAL	\$1,326,608,622	100.00%	100.00%	\$1,326,608,622		

Table 6.01

# Disparity Analysis - Architecture and Engineering Prime Contracts 1996-97

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African Americans	\$1,606,045	0.97%	6.23%	\$10,273,788	-\$8,667,743	0.16
Certified Asian/Pacific Islanders	\$5,344,252	3.24%	26.01%	\$42,893,065	-\$37,548,813	0.12
Certified Latino Americans	\$1,472,601	0.89%	5.45%	\$8,989,564	-\$7,516,964	0.16
Certified Caucasian Females	\$2,761,072	1.67%	18.07%	\$29,793,985	-\$27,032,913	0.09
Certified Caucasian Males	\$265,277	0.16%	9.50%	\$15,667,527	-\$15,402,250	0.02
Non Certified	\$153,445,050	93.06%	34.74%	\$57,276,368	\$96,168,683	2.68
TOTAL	\$164,894,297	100.00%	100.00%	\$164,894,297		

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African American Female	\$609,700	0.37%	1.56%	\$2,568,447	-\$1,958,747	0.24
Certified African American Male	\$996,345	0.60%	4.67%	\$7,705,341	-\$6,708,996	0.13
Certified Asian/Pacific Islander Female	\$0	0.00%	5.45%	\$8,989,564	-\$8,989,564	0.00
Certified Asian/Pacific Islander Male	\$5,344,252	3.24%	20.56%	\$33,903,500	-\$28,559,248	0.16
Certified Latino American Female	\$572,465	0.35%	1.09%	\$1,797,913	-\$1,225,448	0.32
Certified Latino American Male	\$900,136	0.55%	4.36%	\$7,191,652	-\$6,291,516	0.13
Certified Caucasian Female	\$2,761,072	1.67%	18.07%	\$29,793,985	-\$27,032,913	0.09
Certified Caucasian Male	\$265,277	0.16%	9.50%	\$15,667,527	-\$15,402,250	0.02
Non Certified	\$153,445,050	93.06%	34.74%	\$57,276,368	\$96,168,683	2.68
TOTAL	\$164,894,297	100.00%	100.00%	\$164,894,297		

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified Minority Female	\$1,182,165	0.72%	8.10%	\$13,355,924	-\$12,173,760	0.09
Certified Minority Male	\$7,240,733	4.39%	29.60%	\$48,800,493	-\$41,559,760	0.15
Certified Caucasian Female	\$2,761,072	1.67%	18.07%	\$29,793,985	-\$27,032,913	0.09
Certified Caucasian Male	\$265,277	0.16%	9.50%	\$15,667,527	-\$15,402,250	0.02
Non Certified	\$153,445,050	93.06%	34.74%	\$57,276,368	\$96,168,683	2.68
TOTAL	\$164,894,297	100.00%	100.00%	\$164,894,297		



# Disparity Analysis - Professional Services Prime Contracts 1996-97

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Ethnicity	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African Americans	\$10,903,697	3.79%	5.04%	\$14,494,526	-\$3,590,829	0.75
Certified Asian/Pacific Islanders	\$3,483,699	1.21%	7.56%	\$21,741,789	-\$18,258,090	0.16
Certified Latino Americans	\$1,526,836	0.53%	2.63%	\$7,576,684	-\$6,049,848	0.20
Certified Caucasian Females	\$5,584,257	1.94%	10.25%	\$29,483,184	-\$23,898,927	0.19
Certified Caucasian Males	\$939,700	0.33%	1.66%	\$4,776,605	-\$3,836,906	0.20
Non Certified	\$265,146,387	92.20%	72.85%	\$209,511,786	\$55,634,600	1.27
TOTAL	\$287,584,575	100.00%	100.00%	\$287,584,575		

Ethnicity and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified African American Femal	\$522,375	0.18%	1.78%	\$5,106,026	-\$4,583,651	0.10
Certified African American Males	\$10,381,321	3.61%	3.26%	\$9,388,500	\$992,821	1.11
Certified Asian/Pacific Islander Fe	\$1,022,973	0.36%	2.63%	\$7,576,684	-\$6,553,711	0.14
Certified Asian/Pacific Islander M	\$2,460,726	0.86%	4.93%	\$14,165,105	-\$11,704,380	0.17
Certified Latino American Female	\$301,550	0.10%	0.92%	\$2,635,368	-\$2,333,818	0.11
Certified Latino American Males	\$1,225,285	0.43%	1.72%	\$4,941,316	-\$3,716,030	0.25
Certified Caucasian Females	\$5,584,257	1.94%	10.25%	\$29,483,184	-\$23,898,927	0.19
Certified Caucasian Males	\$939,700	0.33%	1.66%	\$4,776,605	-\$3,836,906	0.20
Non Certified	\$265,146,387	92.20%	72.85%	\$209,511,786	\$55,634,600	1.27
TOTAL	\$287,584,575	100.00%	100.00%	\$287,584,575		

Minority and Gender	Actual Dollars	Utilization%	Availability%	Expected Dollars	Dollars Lost	Disparity Ratio
Certified Minority Females	\$1,846,899	0.64%	5.33%	\$15,318,079	-\$13,471,180	0.12
Certified Minority Males	\$14,067,332	4.89%	9.91%	\$28,494,921	-\$14,427,588	0.49
Certified Caucasian Females	\$5,584,257	1.94%	10.25%	\$29,483,184	-\$23,898,927	0.19
Certified Caucasian Males	\$939,700	0.33%	1.66%	\$4,776,605	-\$3,836,906	0.20
Non Certified	\$265,146,387	92.20%	72.85%	\$209,511,786	\$55,634,600	1.27
TOTAL	\$287,584,575	100.00%	100.00%	\$287,584,575		



Item 2 - File 98-1353

**Department:** Fire Department  
Department of Public Works

**Item:** Release of reserved funds from previously authorized Federal Emergency Management Agency Hazard Mitigation Grant Funds, in the amount of \$1,533,598 for the renovation of Fire Station No. 25, located at 3305 3<sup>rd</sup> Street.

**Amount:** \$1,533,598

**Source of Funds:** Federal Emergency Management Agency Hazard Mitigation Grant Funds

**Description:** On November 17, 1997, the Board of Supervisors authorized the Department of Public Works to retroactively accept and expend grant funds in the amount of \$6,216,434 from the Federal Emergency Management Agency, through the State Office of Emergency Services for eleven projects (File No. 148-97-5) related to hazard mitigation, including the renovation of Fire Station No. 25. Of the \$6,216,434, \$4,196,840 of these funds were placed on reserve pending the DPW's submission of cost details.

The Economic Development, Transportation and Technology Committee subsequently authorized the release of funds in the amount of \$1,840,855 from the reserved balance of \$4,196,840 for various projects, leaving a current balance of \$2,355,985 on reserve. The proposed request would authorize the release of \$1,533,598 for the renovation of Fire Station No. 25, leaving the balance of \$822,387 on reserve.

According to Mr. Peter Wong of the Department of Public Works, construction work to be performed for the renovation of Fire Station No. 25, located at 3305 3<sup>rd</sup> Street, consists of seismic upgrading for the entire building, creating separate shower and restroom facilities for female firefighters, mechanical and electrical system upgrades, asbestos abatement and disability assess improvements in public areas.

**Budget:**

The construction contract for the renovation of Fire Station No. 25 totals \$1,809,000 and was awarded to MLS Construction which submitted the second lowest bid. According to Mr. Wong, the lowest bid, which was \$14,000 less than the MLS Construction bid, was submitted by a firm which did not provide the DPW with the requisite information about its subcontractors. As a result, Mr. Wong states that that firm was disqualified from the pool of eligible contract bidders.

The proposed request for release of \$1,533,598 from the grant funds for the renovation of Fire Station No. 25 requires an additional \$275,402 (total construction contract amount of \$1,809,000 less the requested release of \$1,533,598 on reserve). According to Mr. Wong, the source of the additional \$275,402 would be from previously appropriated 1992 Fire Protection Bond monies in the amount of \$163,402 (File No. 101-92-60) and from current legislation which is pending approval from the Board of Supervisors for the release of reserved monies from 1992 Fire Protection Bond interest earnings in the amount of \$112,000 (File No.98-1354).

**Recommendation:**

Approve the release of reserved funds.

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Item 3 – File 98-1489

**Department:** Private Industry Council (PIC)

**Item:** Hearing to consider the release of reserved funds, Private Industry Council (PIC Refugee County Plan for fiscal year 1998, Resolution No. 549-98), in the amount of \$1,165,638, to fund eight (8) refugee service providers selected by the PIC to implement the eleven (11) project components of San Francisco's Federal Fiscal Year 1998 Refugee County Plan.

**Amount:** \$1,165,638

**Source of Funds:** Federal Office of Refugee Resettlement

**Description:** On July 13, 1998, the Board of Supervisors approved a resolution authorizing the PIC to accept and place on reserve, the full \$1,500,000 of the expected 1998 grant from the Federal Office of Refugee Resettlement, pending the selection of the non-profit agency service providers and submission of cost details by the PIC (File 98-980). As shown in the Attachment to this report, the PIC has now identified non-profit employment and training providers to deliver services to refugees.

All of the funds for the above-mentioned services are provided by the Federal Office of Refugee Resettlement and are allocated to the City through the State Department of Social Services. The PIC, a non-profit organization, administers these funds on behalf of the City to provide services to refugees receiving public assistance who have resided in the United States for 60 months or less.

The 1998 Refugee County Plan describes the services that the City, through the Private Industry Council (PIC), offers to refugees in San Francisco for the one year period from October 1, 1998 through September 30, 1999, in compliance with State funding requirements. These include employment services, on-the-job training, skills training, case management, support services such as transportation and childcare, and acculturation services

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designed to assist refugees in effectively utilizing basic welfare, housing, education, and other programs.

Specifically, the refugee services include two components: the Refugee Cash Assistance Employment Services (CAES) System and the Voluntary Temporary Assistance to Needy Families (TANF) Refugee Services Program.

The CAES component provides employment services primarily to refugees who receive cash assistance for eight months from the date of their application for such funds. Participation by such refugees in the CAES program is mandated by the Federal government.

The TANF component provides employment and training services to refugees who receive TANF and have resided in the United States for 60 months or less. Participation by such refugees in the TANF program is voluntary. Services are also provided to those refugees who are no longer receiving cash assistance, and who have been in the United States for less than 60 months, when either program component has additional capacity and available funds.

**Budget:**

The Attachment provided by the PIC lists the eight (8) service providers selected by the PIC to implement the eleven (11) project components, and specifies the funding for each of the service providers and the PIC.

**Comments:**

1. According to Mr. Steve Arcelona of the PIC, on June 25, 1998 the PIC issued a Request for Proposals (RFP) to non-profit employment and training service providers for the delivery of the City's proposed refugee services. Mr. Arcelona advises that the proposals were due on July 23, 1998, and that the full PIC approved the selected service providers on September 8, 1998.

2. The total PIC administration budget of \$174,846 is 15 percent of the total grant. The funds will be used for staff salaries and fringe benefits of those staff assigned to the Administration, Operations, Fiscal, and Management Information Systems units responsible for the Refugee



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Employment Social Services (RESS) and Targeted Assistance (TA) programs.

3. This request for the release of \$1,165,638 of the total \$1,500,000 originally placed on reserve leaves a balance of \$334,362 on reserve.

**Recommendation:** Approve the request to release \$1,165,638 in reserved funds.

TABLE I

## PRIVATE INDUSTRY COUNCIL REFUGEE FUNDING RECOMMENDATIONS

	Proponent	Activity	FFY 1998 Recom: \$	Recom.		Place Rate
				Svc.	Pic.	
#01	International Rescue Committee	CIP	\$119,886	NA	NA	NA
#02	Catholic Charities/REAP	ES/IR	\$192,623	137	89	65%
#03	Refugee Transitions	A/SAS	\$23,712	NA	NA	NA
#04	Refugee Transitions	ES	\$37,910	31	21	68%
#05	TBC-African Imm. & Refugee Res. Center	ES	\$32,711	15	12	80%
#06	International Institute of San Francisco	A/SAS	\$35,583	NA	NA	NA
#07	Career Resources Development Center	ES	\$0	NA	NA	NA
#08	Career Resources Development Center	VT	\$85,800	39	35	90%
#09	Community Educational Services	ES	\$24,439	21	14	67%
#10	Jewish Vocational Service	ES	\$212,453	106	69	65%
#11	Jewish Vocational Service	VT	\$143,175	52	41	79%
	Subtotal		\$908,292	401	281	70%
	IR Set Aside		\$52,500			
	Transportation/Childcare		\$30,000			
	Total		\$990,792	401	281	70%
PIC Administration Budget						
	Staff salaries and fringe benefits	79.91%	\$139,719			
	Allocated Overhead	15.99%	\$27,958			
	Direct charges*	4.10%	\$7,169			
	PIC Total		\$174,846			
	Grand Total		\$1,165,638			

\* Direct charges include printing, reproduction, computer, travel, materials, supplies and audit expenses.

A/SAS Acculturation/Social Adjustment Services

CIP Central Intake Point

ES Employment Services

VT Vocational Training

IR Individual Referral

Item 4 – File 98-1412

- Department:** Airport  
Asian Art Museum  
Arts Commission
- Item:** Ordinance amending the Administrative Code by amending Chapter 28, Article I thereof to provide that the Asian Art Museum and the San Francisco Airport Museums may sell, exchange or transfer works of art or other articles under certain circumstances.
- Description:** The existing provisions of Chapter 28, Article 1, permit the Board of Trustees of the Fine Arts Museums to sell, exchange or transfer works of art or other articles under certain specified circumstances. The circumstances permitting sale, exchange or transfer of works of art or other articles are defined in the existing provisions of Chapter 28, Article 1 and include such factors as whether the works of art or other articles are no longer fit for exhibition purposes in the said museums. The proposed ordinance would extend this authority to sell, exchange or transfer works of art or other articles under certain specified circumstances to the Airport Museums. The proposed legislation would also clarify that the Asian Art Museum, previously a division of the Fine Arts Museum, has the authority to sell, exchange or transfer works of art or other articles under certain specified circumstances.
- Regarding the Asian Art Museum, monies from the sale of objects would be placed in the Art Acquisition Fund of the Asian Art Museum.
- The Airport Commission established the Airport Museums on October 7, 1997. These museums consist of an aviation library, archive, aviation museum and a children's learning center museum. Regarding the Airport Museums, monies from the sale of objects would be placed in the Airport Museums Trust Fund.
- Comment:** The proposed legislation does not provide that the monies, which accrue to the Airport Museum Trust Fund for the Airport Museums, would be subject to appropriation approval of the Board of Supervisors. Deputy City

Attorney Ms. Miriam Stombler advises that the Asian Art Museum has exclusive authority over the monies that accrue in the Art Acquisition Fund.

**Recommendation:** We recommend approval of the proposed ordinance. However, if the Board of Supervisors believes that expenditures from the Airport Museum Trust Fund of the Airport Museums, should be subject to appropriation approval of the Board of Supervisors, then the proposed ordinance should be amended to provide for such appropriation authority.

Item 5 – File 98-1377

- Department:** Department of Administrative Services (DAS)
- Item:** Resolution authorizing the acceptance of a gift of the loan of alternative fuel vehicles and portable charging infrastructure from General Motors/Saturn Corporation and Honda to be used by the Department of Administrative Services to demonstrate clean fuel vehicle technology.
- Description:** Approval of the proposed resolution would authorize the Department of Administrative Services (DAS) to accept a gift of a loan of six clean fuel vehicles including a portable charging infrastructure from General Motors/Saturn Corporation and Honda. Mr. Ruvolo of DAS advises that the subject vehicles will be either electrically powered or compressed natural gas vehicles depending on their availability from the car companies.
- Mr. Ruvolo reports that General Motors/Saturn Corporation and Honda have agreed to lease the subject vehicles to the City at no cost for an indefinite period of time for the purpose of demonstrating clean fuel vehicle technology. Mr. Ruvolo estimates that the lease value of these vehicles is approximately \$400 per month, per vehicle, or \$28,800 per year for all six vehicles.
- Mr. Ruvolo explains that the DAS is actively promoting the use of clean fuels to reduce vehicle emissions and therefore, new developments in alternative fuel technology have made zero and low emission vehicles, like the subject vehicles, an "exciting option" for the City.
- Mr. Ruvolo advises that the Director of Administrative Services will voluntarily submit a report to the Board of Supervisors estimating the lease value of this gift by December 31, 1998, and every 6 months thereafter.
- Comments:**
1. According to Mr. Ruvolo, the City will pay minimal operating costs and no maintenance costs on the subject vehicles during the lease period. Mr. Ruvolo estimates that the cost of recharging an electrically powered vehicle is approximately \$183 per year, while the cost of refueling

a compressed natural gas vehicle is approximately \$140 per year. According to Mr. Ruvolo, if DAS is loaned six electrically powered vehicles from the car companies, their combined operating costs would amount to approximately \$1,098 per year. If, on the other hand, DAS receives six compressed natural gas vehicles, their combined operating costs would amount to approximately \$840 per year. Mr. Ruvolo points out that this gift of a loan of six clean fuel vehicles will most likely be made up of a combination of electrically powered and compressed natural gas vehicles and therefore, their combined operating costs will be approximately between \$840 and \$1,098 per year.

Mr. Ruvolo advised the Budget Analyst that General Motors/Saturn Corporation and Honda would provide maintenance service on the subject vehicles at no cost to the City.

2. Mr. Ruvolo reports that DAS previously accepted a gift of a loan of five clean fuel vehicles from the General Motors/Saturn Corporation and Honda for the purpose of demonstrating clean fuel technology, along the following dates:

<u>Date</u>	<u>Number and Type of Vehicle</u>
May 1, 1998	3 electrically powered vehicles
July 7, 1998	1 electrically powered vehicle
August 3, 1998	1 compressed natural gas vehicle

According to Mr. Ruvolo, DAS subsequently returned the electrically powered vehicle received on July 7, 1998 to the car companies after two weeks of City use, and the compressed natural gas vehicle is scheduled to be returned on September 22, 1998 after approximately six weeks of City use. Each of the remaining three electrically powered vehicles have been under DAS control for approximately four months to date and will continue as such for an indefinite period of time.

Mr. Ruvolo advises that, to date, the City has paid approximately \$80 in recharging costs for the electrically powered vehicles and \$20 in refueling costs for the compressed natural gas vehicle. Mr. Ruvolo also advises



that the Department of Parking and Traffic (DPT) installed the portable charging infrastructure (included in the gift of the subject vehicles) at the City's Civic Center Garage for the purpose of recharging electrically powered vehicles. According to Mr. Ruvolo, the DPT paid \$1,500 for such installation (see comment 2).

Mr. Ruvolo explains that until now, the value of this gift of a loan of five clean fuel vehicles from General Motors/Saturn Corporation and Honda, of which the City has retained three electrically powered vehicles, was below \$5,000 and therefore, did not require approval from the Board of Supervisors in accordance Administrative Code Section 10.116. However, the combined lease value of the five previously accepted clean fuel vehicles has now grown to approximately \$5,000 and as such, this gift requires approval from the Board of Supervisors in accordance with Administrative Code Section 10.116.

Mr. Ruvolo advises that three electrically powered vehicles will remain under DAS control for an indefinite period of time and DAS expects to receive three more clean fuel vehicles from the car companies.

2. Mr. Ruvolo reports that the DAS has received grant funds from the U.S. Department of Energy in the amount of \$100,000, which may be used to cover the costs of installing the portable charging infrastructure. Mr. Ruvolo notes that in the near future, DAS will seek retroactive approval from the Board of Supervisors for the acceptance and expenditure of these grant funds.

3. The proposed resolution should be amended to retroactively authorize DAS to accept a gift of a loan of six clean fuel vehicles from General Motors/Saturn Corporation and Honda.

**Recommendation:**

1. Amend the proposed resolution to retroactively authorize DAS to accept a gift of a loan of six clean fuel vehicles from General Motors/Saturn Corporation and Honda.
2. Approval of the proposed resolution as amended is a policy matter for the Board of Supervisors.



Item 14 – File 98-1292

**Department:** Police Department

**Item:** Ordinance amending Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code (Police Code) by adding Section 1147.9 thereto, to authorize the Chief of Police to establish a trial program for cab pooling.

**Description:** The proposed ordinance would amend Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code to add Section 1147.9, a new section. Section 1147.9 would establish a six month trial program for voluntary cab pooling along one or more routes designated by the Chief of Police after consulting with the Departments of Parking and Traffic and Public Transportation on the selection of routes. Under the proposed legislation, taxicab drivers who participate in the trial program may charge a flat rate for passengers riding between points along the designated route, and may solicit more than one fare along the route. According to the Office of the Sponsor of the proposed ordinance, the primary purpose of the proposed program is to facilitate the procurement of taxicab transportation along designated routes in the City. The Sponsor's Office also notes that the program may: (1) extend transportation service to areas of the City that would otherwise not receive such service; and, (2) reduce motor vehicle pollution in the City because more than one rider in a taxicab eliminates the need for multiple taxicab rides.

According to the proposed ordinance, the Chief of Police may also adopt reasonable rules and regulations to carry out this trial program.

The proposed ordinance also contains a provision that requires the Chief of Police to report back to the Board of Supervisors at the end of the six month trial program on the feasibility of a permanent cab-pooling program.

**Comments:** 1. Mr. Gerald Robbins of the Department of Parking and Traffic (DPT) advises that the proposed program will require the construction of at least two street signs, announcing the starting and ending points of the yet to be

determined taxicab route. Mr. Robbins estimates that the cost of such street signs would be approximately \$200, or \$100 per street sign. According to Mr. Robbins, if the proposed program includes more than one taxicab route, the DPT will also be required to place street signs along such routes.

2. Officer Farrell Suslow of the Police Department reports that proposed ordinance may increase the number of requests for taxicab complaint investigations filed to the Police Department. However, Officer Suslow estimates that the costs associated with such investigations will have a minimal fiscal impact on the Police Department budget.

**Recommendation:** Approve the proposed ordinance.

Item 16 – File 98-761

**Department:** Police Department

**Items:** Ordinance amending Part II, Chapter VIII, Article 16 of the Police Code by adding Section 1135.1 setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance.

**Description:** The proposed ordinance would amend Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code to add Section 1135.1, a new section. Section 1135.1 would prohibit taxicab companies from charging taxicab drivers a mean, or "average", gate fee of more than \$9 per hour for the privilege of driving a particular taxicab during a particular shift, whether the fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a specified fare for any other purpose. Under the proposed legislation, the average gate fee would be determined by adding together the gate fees charged by taxicab companies for all available shifts during one week and dividing that total by the number of available shifts during the week.

The proposed ordinance would authorize the Chief of Police to adopt regulations to carry out the provisions contained therein. Violation of any provision of the proposed ordinance, or any regulation adopted pursuant to it, would be cause for revocation or suspension of any permit granted to the violator by the City and County related to the operation of taxicabs or other motor vehicles for hire, such as sightseeing buses and limousines.

The provisions of the proposed ordinance would expire 24 months after the date that this proposed ordinance is approved by the Board of Supervisors. After expiration of the proposed ordinance, the proposed \$9 per hour cap on taxicab gate fees would no longer be in effect.

**Comments:** 1. The proposed cap on taxicab gate fees is based on recommendations of the Mayor's Taxi Task Force, which issued its report on April 21, 1998. The Mayor's Taxi Task Force consists of the Mayor as Chair, a member of

the Board of Supervisors as Co-Chair, and 27 members appointed by the Mayor representing the Taxicab companies, Taxicab Drivers Association, Taxicab Drivers, private businesses, the San Francisco Police Department, the City Attorney's Office, the Department of Parking and Traffic, MUNI, and the Airport.

2. Officer Farrell Suslow of the Police Department reports that the average gate fee<sup>1</sup> is currently \$90 per shift or \$9 per hour. Under the proposed ordinance, the average gate fee would be effectively frozen at \$90 per shift or \$9 per hour, for a period of 24 months, at which time the proposed ordinance would expire.

3. Officer Suslow reports that the proposed ordinance may increase the number of requests for compliance investigations filed with the Police Department. However, he is unable to provide an estimate of the fiscal impact of the potential increased costs resulting from the proposed ordinance.

4. Pending legislation (File No. 98-1040) to place a cap of \$1,800 per month on the permit lease fees paid by taxicab companies may not take effect unless and until this proposed ordinance setting a cap on gate fees is approved by the Board of Supervisors.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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<sup>1</sup> Determined by adding together the gate fees charged by taxicab companies for all available shifts during one week and dividing that total by the number of available shifts during the week.



Item 17 – File 98-1040

**Department:** Police Department

**Item:** The proposed ordinance would amend Part II, Article 16, of the Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance.

**Description:** The proposed ordinance would amend Part II, Chapter VII, Article 16 of the San Francisco Municipal Code to add Section 1135.2, a new section. Section 1135.2 would prohibit Taxicab permit-holders from charging a taxicab lease fee of more than \$1,800 per month for the privilege of operating under their permit, whether the fee were set as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose. Presently, there is no cap in effect on taxicab lease fees.

The proposed ordinance would authorize the Chief of Police to adopt regulations to carry out the provisions contained therein. Violation of any provision of the proposed ordinance, or any regulation adopted pursuant to it, would be cause for revocation or suspension of any permit granted to the violator by the City and County related to the operation of taxicabs or other motor vehicles for hire.

The provisions of the proposed ordinance would expire 24 months after the date that this proposed ordinance is approved by the Board of Supervisors. After expiration of the proposed ordinance, the proposed \$1,800 cap on Taxicab lease fees would no longer be in effect.

**Comments:** 1. The proposed cap on taxicab lease fees is based on recommendations of the Mayor's Taxi Task Force, which issued its report on April 21, 1998. The Mayor's Taxi Task Force consists of the Mayor as Chair, a member of the Board of Supervisors as Co-Chair, and 27 members appointed by the Mayor representing the Taxicab companies, Taxicab Drivers Association, Taxicab Drivers, private businesses, the San Francisco Police Department,

the City Attorney's Office, the Department of Parking and Traffic, MUNI, and the Airport.

2. According to Officer Farrell Suslow of the Police Department, presently there are 981 Taxicab permits, and the wait-time to purchase a permit from the City is over 11 years because permits only become available upon the death of a permit holder. Typically, persons wishing to operate a taxicab who are unable to obtain a permit do so using one of two methods: 1) driving a vehicle owned and operated by a taxicab management company and paying an associated gate fee (a gate fee is a payment made by a driver of a taxicab to the owner of that taxicab for the privilege of driving that taxicab) or 2) driving his or her privately owned vehicle and leasing a permit from an individual permit holder. Officer Suslow reports that drivers currently may pay as high as \$4,000 per month for the lease of a taxicab permit. However, Officer Suslow also reports that the Police Commission has authorized 1,381 Taxicab permits for FY 1998-99, or 400 more than the 981 Taxicab permits authorized for FY 1997-98 and that the issuance of such additional permits may result in a reduction in the cost of leasing a permit. According to the Office of the Sponsor, 175 of these additional permits, including 100 peak time permits, 50 disabled accessible permits and 25 regular full-time permits are to be issued within 60 days of the Police Commission order to issue such permits. The remaining 225 permits (400 total less 175) are to be issued by the Police Commission at a later date.

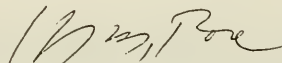
3. Officer Suslow advises that the proposed legislation would be difficult to enforce as transactions between drivers and permit owners are typically carried out in cash and without notification to the Police Department.

4. Officer Suslow reports that the proposed ordinance may increase the number of requests for investigations filed with the Police Department. However, he is unable to provide an estimate of the fiscal impact of the potential increased costs resulting from this proposed ordinance.

5. According to this proposed ordinance, the ordinance would not become effective unless the Board of

Supervisors approves pending legislation (File 98-761) to place a cap of an average of \$9 per hour on the gate fees paid by taxicab drivers. According to Officer Suslow, there is currently no cap on taxicab gate fees.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



SEP 21 1998

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BOARD OF SUPERVISORS  
CITY AND COUNTY OF SAN FRANCISCOTUESDAY, SEPTEMBER 15, 1998 - 9:00 A.M. VETERANS BUILDING  
401 VAN NESS AVENUE, ROOM 410

PRESENT: SUPERVISORS MICHAEL YAKI, LESLIE KATZ, MARK LENO

ABSENT: SUPERVISOR YAKI - ITEMS 5 AND 12

SUPERVISOR KATZ - ITEMS 2-4

CLERK: GAIL JOHNSON

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, September 15, 1998, at 10:00 a.m., has been rescheduled to Tuesday, September 15, 1998, at 9:00 a.m.

1. File 98-0612. [MBE/WBE/LBE Utilization Ordinance - IV] Ordinance amending Administrative Code by adding Sections 12D.A.1 through 12D.A.21 to establish a new MBE/WBE/LBE ordinance (1) to remedy identified discrimination against certain prime contractor MBE/WBEs in the City's procurement process and to eliminate the competitive disadvantage prime contractor LBEs labor under in the City's procurement process and (2) to require city contracting departments to implement MBE/WBE program mandating prime contractors to use good faith efforts to use MBE/WBEs when there are subcontracting opportunities in public works and professional service contracts. (Supervisors Brown, Katz, Teng, Medina, Bierman)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Brown, adopted. Recommended as amended.

2. File 98-1353. [Reserved Funds, Fire Department] Hearing to consider release of reserved funds, Fire Department (FEMA Grant, Resolution No. 1026-97), in the amount of \$1,533,598, for the purpose of funding the construction contract for Fire Station No. 25 renovation. (Also see File 98-1354.) (Department of Public Works)

ACTION: Release of \$1,533,598 approved. Filed.

3. File 98-1489. [Reserved Funds, Private Industry Council] Hearing to consider release of reserved funds, Private Industry Council (PIC Refugee County Plan for fiscal year 1998, Resolution No. 549-98), in the amount of \$1,165,638, to fund eleven (11) refugee service providers summarized in the attached Table 1. (Private Industry Council)

ACTION: Hearing held. Release of \$1,165,638 approved. Filed.

4. File 98-1412. [Museums] Ordinance amending Administrative Code by amending Chapter 28, Article 1, to provide that the Asian Art Museum and the San Francisco Airport museums may sell, exchange or transfer works of art or other articles under certain circumstances. (Airport)

ACTION: Amendment of the Whole bearing same title adopted. Recommended as amended.

5. File 98-1377. [Gift Acceptance, Dept of Administrative Services] Resolution authorizing the acceptance of a gift of the loan of alternative fuel vehicles and portable charging infrastructure from General Motors/Saturn Corporation and Honda to be used by the Department of Administrative Services to demonstrate clean fuel vehicle technology. (Department of Administrative Services)

ACTION: Hearing held. Amended on line 2, after "authorizing," and on line 20, after "authorize," by adding "retroactively." Recommended as amended. New title: "Authorizing, retroactively, the acceptance of a gift of the loan of alternative fuel vehicles and portable charging infrastructure from General Motors/Saturn Corporation and Honda to be used by the Department of Administrative Services to demonstrate clean fuel vehicle technology."

- 6.\* File 98-1484. [CEQA Findings for Zoning Map Amendment and South of Market General Plan Amendment] Resolution endorsing the Planning Commission's certification of the Final Environmental Impact Report and adopting environmental findings (and statement of overriding considerations) pursuant to the California Environmental Quality Act and State Guidelines in connection with a zoning map amendment and related amendments to the South of Market Area Plan of the San Francisco General Plan; companion measure to Files 98-1203 and 98-1485. (City Attorney)

(Approved by Planning Commission Motion No. 14685)

ACTION: Hearing held. Recommended.

- 7.\* File 98-1485. [General Plan Amendment] Ordinance approving amendments to the South of Market Area Plan of the General Plan of the City and County of San Francisco; adopting findings pursuant to Planning Code Section 101.1; companion measure to Files 98-1203 and 98-1484. (City Attorney)

(Approved by Planning Commission Resolution No. 14683)

ACTION: Hearing held. Recommended.



- 8.\* File 98-1203. [Zoning Map Amendment–Brannan Street/Fourth Street] Ordinance amending the Zoning Map of the City and County of San Francisco for property within a portion of Assessor's Block 3787, which block is bounded by Fourth Street, Brannan Street, Third Street, and Townsend Street, to change the height and bulk district classification from a 50-X to a 65-X Height and Bulk District, and adopting findings pursuant to Planning Code Section 101.1; companion measure to Files 98-1484 and 98-1485. (Supervisor Katz)  
(Approved by Planning Commission Resolution No. 14684)

ACTION: Hearing held. Recommended.

- 9.\* File 98-0702. [Moderate-Scale Neighborhood Commercial District] Ordinance amending Planning Code by adding a special provision to Section 712.38 and amending the associated chart set forth in Section 712 to authorize the change in occupancy of a vacant residential use to an other institution, large, use operated by a non-profit corporation on the third floor and above of buildings in the moderate-scale neighborhood commercial district as a conditional use under certain specified circumstances; adopting findings pursuant to Section 101.1. (Supervisors Katz, Leno, Ammiano, Bierman)  
(Approved by Planning Commission Resolution No. 14659)  
(General Rule exclusion from environmental review)

ACTION: Hearing held. Recommended. (Supervisors Yaki and Newsom added as co-sponsors.)

10. File 98-1334. [Landmark, Carmel Fallon Building] Ordinance designating 1800 Market Street, The Carmel Fallon Building, as Landmark No. 223 pursuant to Article 10 of the Planning Code. (Supervisors Katz, Leno, Ammiano, Bierman)  
(Approved by Planning Commission Resolution No. 14658)

ACTION: Hearing held. Recommended. (Supervisors Yaki and Newsom added as co-sponsors.)

11. File 98-1132. [Renaming Myrtle Street to Alice B. Toklas Place] Resolution renaming Myrtle Street from Van Ness Avenue to Polk Street running east to west, Alice B. Toklas Place. (Supervisors Teng, Katz, Leno, Ammiano, Bierman, Brown)

ACTION: Hearing held. Recommended.

12. File 98-0804. [Skate Transit Pilot Program] Ordinance amending Traffic Code Section 100 to revise provisions regulating the use of roller skates and by adding Sections 100.1 to 100.6, inclusive, to regulate the use of roller skates and in-line skates on certain roadways and sidewalks; providing for sunset provision (expires December 31, 1999). (Supervisors Ammiano, Bierman)  
(Consideration continued from 8/18/98)

ACTION: Hearing held. Amendment of the Whole bearing same title, as presented by Supervisor Ammiano, adopted. Recommended as amended.

13. File 98-0972. [Mayor's Taxi Task Force Recommendations] Hearing to consider plans of the Department of Parking and Traffic, Airport and Police Taxi Detail, if any, for pursuing recommendations of the Mayor's Taxi Task Force which require department action. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

14. File 98-1292. [Cab Pooling Trial Program] Ordinance amending Police Code by adding Section 1147.9 to authorize the Chief of Police to establish a trial program for cab pooling. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

15. File 98-0909. [Tobacco Advertising on Taxicabs] Ordinance amending the Police Code by adding Section 1147.7, prohibiting advertising of tobacco products on taxicabs. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

16. File 98-0761. [Taxicab Gate Fees] Ordinance amending Police Code by adding Section 1135.1, setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance (twenty-four months after the effective date of the section). (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

17. File 98-1040. [Taxicab Lease Fees] Ordinance amending Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance. (Supervisor Newsom)

ACTION: Consideration continued to the Call of the Chair (at the request of sponsor).

SPECIAL ORDER – 11:00 A.M.

18. File 98-0473. [Paratransit Scrip Program] Hearing to examine the quality of service provided to senior and disabled paratransit scrip holders and potential holders. (Supervisor Newsom)

ACTION: Hearing held. Consideration continued to the Call of the Chair.

19. File 98-1039. [Paratransit] Ordinance amending Police Code by adding Section 1147.8, requiring all taxicab color schemes to participate in the City's Paratransit Program. (Supervisor Newsom)

ACTION: Hearing held. Amended on page 1, line 21, after "program," by adding "the debit card program, including hardware and software capabilities." Recommended as amended.

\*IMPORTANT INFORMATION

NOTE: Agenda Items 6, 7, 8 and 9 above concern amendments to the Zoning Map for property within a portion of Assessor's Block 3787, amendments to the South of Market Area Plan of the General Plan, and Neighborhood Commercial District Planning Code amendments. If you have any questions or comments concerning the above measures, please call Laura Spanjian at (415) 554-5335.

NOTE: Persons unable to attend the hearing may submit to the City, by the time the proceeding begins, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to Gail Johnson, Clerk of the Economic Development, Transportation and Technology Committee, Veterans Building, 401 Van Ness Avenue, Room 308, San Francisco, California 94102, by 5:00 p.m., on the day prior to the hearing. Comments which cannot be delivered to Ms. Johnson by that time may be taken directly to the hearing at 401 Van Ness Avenue, Room 410.

NOTE: Pursuant to Government Code Section 65009, if you challenge, in court, the general plan, specific plan, Planning Code or Zoning Map amendments described in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.



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San Francisco 94102-4532  
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NOTICE OF CANCELED MEETING

NOTICE OF SPECIAL MEETING

ECONOMIC DEVELOPMENT, TRANSPORTATION AND

TECHNOLOGY COMMITTEE

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Economic Development, Transportation and Technology Committee for Tuesday, October 6, 1998, at 10:00 a.m., has been canceled.

Please note that the Economic Development, Transportation and Technology Committee will hold a special meeting on Wednesday, October 14, 1998, at 10:00 a.m., in the Legislative Chamber, Room 404, 401 Van Ness Avenue, San Francisco, California.

The next regularly scheduled meeting of the Committee will be held on Tuesday, October 20, 1998, at 10:00 a.m., in Room 410, Veterans Building, 401 Van Ness Avenue, San Francisco, California.

A handwritten signature in cursive script that reads "Gloria L. Young".  
Gloria L. Young  
Clerk of the Board

POSTED: SEPTEMBER 29, 1998





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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

October 13, 1998

TO: Economic Development, Transportation and Technology Committee  
FROM: Budget Analyst *Recommendations for meeting of.*  
SUBJECT: October 14, 1998 Special Economic Development, Transportation and Technology Committee Meeting

Item 1 - File 98-1375

Department: Department of Public Transportation (PTD)  
Municipal Railway (MUNI)

Item: Resolution approving an assignment of an amendment to an agreement for the purchase of 45 diesel buses and associated equipment and spare parts as a cooperative buying agreement

Description: According to Ms. Elaine Cartwright of the Public Transportation Department (PTD), the Municipal Railway (MUNI) fleet currently contains 180 standard diesel buses that are beyond their useful life and that do not meet 1998 Federal Environmental Protection Agency (EPA) diesel bus emission guidelines or the PTD's revenue service demands. Attachment I, provided by Ms. Cartwright, indicates that the 180 diesel buses were acquired in 1984 and have an average mileage of 372,000.

Ms. Cartwright reports that a reserve fleet of 45 buses is required to supplement MUNI's current fleet. Attachment II, also provided by Ms. Cartwright, explains the basis for the subject 45 buses requested by MUNI.

Ms. Cartwright advises that the PTD has already begun a competitive bidding process for the full replacement of MUNI's fleet of 180 diesel buses, but that such replacement is not likely to begin before December of 2000. The replacement fleet will be funded from a combination of Federal, Regional and Local transportation grant funds.

As a result of the replacement fleet not beginning before December of 2000, PTD is requesting authorization to enter into a cooperative buying agreement<sup>1</sup> with AC Transit, in accordance with Administrative Code Section 21.53, for the purchase of 45 diesel buses from North American Bus Industries (NABI).

According to Ms. Cartwright, after conducting a survey of current diesel bus procurement contracts within the State of California, the PTD identified AC Transit's contract for diesel buses with NABI as the only candidate for a cooperative buying agreement that meets both MUNI's immediate needs for diesel buses and the Federal EPA's 1998 diesel bus emission guidelines. Ms. Cartwright advises that if the proposed resolution is approved, the PTD would "piggyback" onto AC Transit's contract with NABI in order to acquire 45 diesel buses from NABI at least 9 to 12 months earlier than December of 2000, the estimated date for beginning the replacement of MUNI's diesel bus fleet.

NABI and AC Transit have agreed to amend their contract to include PTD's purchase of 45 diesel buses from NABI at a total cost of \$12,040,475, or \$263,053 per diesel bus plus a one-time cost of \$203,090 for related equipment, manuals and spare parts.

AC Transit has also agreed to assign to the City all of its rights and responsibilities under the amendment to the contract between AC Transit and NABI for the purchase of 45 diesel buses by PTD from NABI.

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<sup>1</sup> According to Ms. Robin Reitzes of the City Attorney's Office, under a cooperative buying agreement, two separate parties agree to act as one when making purchases of materials, equipment or supplies. In this case, the PTD and AC Transit have agreed, under one contract, to purchase diesel buses from NABI.

The proposed resolution would approve the assignment by AC Transit to the City of the amendment to the contract agreement between NABI and AC Transit for the purchase of 45 diesel buses by PTD from NABI.

**Comments:**

1. Ms. Cartwright advises that the proposed purchase of 45 diesel buses from NABI would enable MUNI to retire 45 of its oldest diesel buses and reduce the total number of diesel buses to be acquired under the MUNI's full fleet replacement program from 180 to 135. Attachment III, provided by the PTC, contains a list of the funding sources for the MUNI diesel bus replacement program.

2. According to Ms. Bloom, the costs of the proposed 45 diesel buses from NABI will be paid from Transportation Authority revenues generated by its half- cent Transportation Sales Tax.

**Recommendation:**

Approve the proposed resolution.



# MUNI DIESEL FLEET COMPOSITION

Coach Number	4500-4679	6000-6099	8801-8956	9001-9045	9101-9124	601R-652R
Bus Manufacturer	Flyer 40'	M.A.N. 60'	New Flyer 40'	Orion 30'	New Flyer 60'	Flyer 40'
Number of Buses	180	100	50/56	45	24	52 (45)
Year Accepted	1984	1984	1988/1989	1990	1991	1994(1980)
Ideal Replacement Date (FTA 12 year life)	1996	1996	2001	2002	2003	1992
Current Replacement Plan	Bids Due 5/20/98 under CP 300 for 135. Also, 45 from agreement with AC Transit & NABI	Bids due 5/20/98 under CP 300	Candidate for Alternative Fuels	Candidate for Alternative Fuels	Option within CP 300	Reserve Fleet to be replaced with 45 1984 40' Flyers
AVERAGE MILEAGE / BUS	312,000	372,000	266,000	213,000	186,000	300,000+

ATTACHMENT I

Date: 10/7/98  
Sender: Elaine Cartwright  
To: Gabriel Cabrera  
cc: Gail Bloom, Robin M Reitzes, Ben Holland, John Hallahan, Peg Divine, PJ Johnston, David Stumpo  
Priority: Normal  
Subject: NABI bus buy: 45 vehicles

The reasons for limiting the amount of vehicles to be purchased on the NABI/AC Transit Cooperative Purchase Agreement (CPA) are as follows:

1. MUNI maintenance knows from experience that 45 is the smallest number of buses that can be efficiently handled. For example, it is extremely expensive to stock spare parts for less than 45 buses. In addition, it is inefficient to train a group of mechanics to handle less than 45 buses.
2. There is a small amount of risk whenever, MUNI buys a new vehicle. San Francisco has a unique and demanding terrain that works the vehicles harder than other transit agencies. Until we put these buses in service, we are not absolutely certain there won't be problems. Therefore, MUNI wants to minimize the unknown by limiting the number of new buses in this agreement, especially because the initial build was not a MUNI design.
3. MUNI requires a number of special design features on their buses in response to the unique Accessibility population in San Francisco. San Francisco Accessibility activists have worked very hard to require MUNI buses to have installed 36" wide wheelchair lifts. This requirements is 4" wider than the American with Disabilities Act (ADA) law requires. This requirement also mandates that bus frames be made significantly different. Most standard buses in the country only provide 32" lifts. MUNI had to work with these activists to get their concurrence in avoiding the 36" requirement for 45 buses because of the hard pressed need for new vehicles. However, these activists will not allow MUNI to take a step backwards for accessibility rights by falling back to a 32" standard on a large number of buses. This is because these activists support the right of accessible public transportation to all disabled persons, not only those who have can fit within a 32" wide wheel chair. There are a large number of disabled persons who require a wider wheel chair for mobility.
4. NABI is a new company that has spinned off from an older manufacturer that encountered fiscal difficulties in the past. NABI has limited abilities to finance a large bus order. The City has already minimized contractual requirements in the CPA that guard the City's overall fiscal risk. The City may be reluctant to extend the minimal contract requirements for a larger order given NABI's current financial capabilities.
5. In order to undertake the CPA, the City had to provide all local funding for the entire 45 buses because the purchase did not qualify for Federal funding for

a variety of reasons. If this number were to increase, the City would be hard pressed to focus local funding in this area. Federal and State grants are being pursued for the remaining buses in CP-300.



# OPERATOR: San Francisco Municipal Railway

LAST PRINTED:

8-Oct-98

PROJECT NAME AND FUND SOURCE	awarded	programmed this year	programmed future years	TOTAL	PERCENT CAPITAL TOTAL
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## DIESEL BUS REPLACEMENT - - sources of funds

FTA SECTION 3 - BUS AND ALTERNATIVE FUELS	\$0	\$0	\$5,400,000	\$5,400,000	2.54%
FTA SECTION 9 - FORMULA REPLACEMENT	\$0	\$41,742,000	\$0	\$41,742,000	19.65%
FTA SECTION 9 - FORMULA REPLACEMENT	\$0	\$10,000,000	\$102,258,000	\$112,258,000	52.84%
FWHA SURFACE TRANSPORTATION PROGRAM	\$0	\$0	\$0	\$0	0.00%
<b>SUBTOTAL FEDERAL FUNDS</b>	<b>\$0</b>	<b>\$51,742,000</b>	<b>\$107,658,000</b>	<b>\$159,400,000</b>	<b>75.03%</b>
STATE OA SURFACE TRANSPORTATION PROGRAM	\$0	\$0	\$0	\$0	0.00%
STATE TRANSIT CAPITAL IMPROVEMENT	\$0	\$0	\$0	\$0	0.00%
STATE TRANSIT CAPITAL IMPROVEMENT	\$0	\$0	\$0	\$0	0.00%
STATE RAIL BONDS - PROP 108	\$0	\$0	\$0	\$0	0.00%
STATE - REGIONAL CHOICE	\$0	\$0	\$0	\$0	0.00%
STATE TRAFFIC SYSTEMS MANAGEMENT	\$0	\$0	\$0	\$0	0.00%
<b>SUBTOTAL STATE FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00%</b>
BRIDGE TOLLS - AB 664	\$391,031	\$0	\$0	\$391,031	0.18%
BRIDGE TOLLS - AB 664	\$0	\$0	\$14,691,355	\$14,691,355	6.91%
S F MUNICIPAL RAILWAY IMPROVEMENT CORP	\$0	\$0	\$0	\$0	0.00%
TRANSPORTATION SALES TAX - CAPITAL	\$250,000	\$0	\$0	\$250,000	0.12%
TRANSPORTATION SALES TAX - CAPITAL	\$9,521,965	\$0	\$0	\$9,521,965	4.48%
TRANSPORTATION SALES TAX - CAPITAL	\$7,000,000	\$0	\$0	\$7,000,000	3.29%
TRANSPORTATION SALES TAX - CAPITAL	\$0	\$7,750,000	\$0	\$7,750,000	3.85%
TRANSPORTATION SALES TAX - CAPITAL	\$0	\$0	\$13,456,239	\$13,456,239	6.33%
UNFUNDED	\$0	\$0	\$0	\$0	0.00%
<b>SUBTOTAL LOCAL FUNDS</b>	<b>\$17,162,996</b>	<b>\$7,750,000</b>	<b>\$28,147,594</b>	<b>\$53,060,590</b>	<b>24.97%</b>
<b>TOTAL CAPITAL FUNDS</b>	<b>\$17,162,996</b>	<b>\$59,492,000</b>	<b>\$135,805,594</b>	<b>\$212,460,590</b>	<b>Present 100.00%</b>



Items 2 through 17 – Files 98-1426, 98-1427, 98-1428, 98-1429, 98-1430, 98-1431, 98-1432, 98-1433, 98-1434, 98-1435, 98-1436, 98-1437, 98-1438, 98-1439, 98-1500 and 98-1501

**Departments:** Building Inspection Commission  
Department of Public Health  
Department of Public Works  
Mayor's Office  
Planning Department  
Port  
Public Transportation Commission  
Public Utilities Commission  
Real Estate Department  
Redevelopment Agency

**Summary of  
proposed  
legislation:**

Overview

The proposed Mission Bay plan calls for the redevelopment of approximately 303 acres of land located generally south of Townsend Street, east of Seventh Street and Interstate 280, north of Mariposa Street, and west of Terry A. Francois Boulevard and Third Street, primarily by the Catellus Development Corporation ("Catellus"), under the supervision of the City and its Redevelopment Agency. The Catellus Development Corporation is a publicly held real estate development company which owns approximately 158 acres within the Mission Bay Plan Areas. The City owns approximately 134 acres. The proposed Mission Bay plan is divided into two parts, 65 acres in "Mission Bay North" and 238 acres in "Mission Bay South" (the Plan Areas). The North and South Plan Areas are separated by the Mission Creek Channel.

Each of the Plan Areas will comprise a separate Redevelopment Project Area established under the California Community Redevelopment Law. The redevelopment of the South Plan Area provides for the establishment of a new campus (approximately 43 acres) to house University of California San Francisco's (UCSF) faculty and research facilities. The campus would be built on land that Catellus (29.27 acres) and the City (13.23 acres) would donate to UCSF. A map showing the proposed land use plan for the Plan Areas is included as Attachment 1.

The total cost of the development in the North and South Plan Areas is estimated at approximately \$4 billion, including approximately \$650 million for Catellus' development in the North Plan Area, approximately \$2.1 billion for Catellus' development in

**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

the South Plan Area, approximately \$1 billion for the UCSF campus and approximately \$250 million for the Redevelopment Agency's affordable housing component and for the remaining private property owners development in the South Plan Area. These costs do not include the public infrastructure development costs of approximately \$145 million and the City's estimated total costs over the 30-year life of the project of approximately \$188 million for police, fire, public health, public works and other general government services and \$101 million for Muni, which are discussed in greater detail in Comment 6. All of the amounts included in this report reflect 1998 dollars.

Some of the main elements of the proposed plans for Mission Bay North and South are outlined below and are discussed in more detail under the specific item descriptions:

### Financing

The Redevelopment Plan for each of the Plan Areas provides for the use of tax increment revenue generated by the project and tax allocation bonds to the extent necessary to finance the construction of public infrastructure and affordable housing in each Plan Area.<sup>1</sup> The Plan for the North limits the total amount of bonded indebtedness for such purposes to \$190,000,000 and the Plan for the South limits the total amount of bonded indebtedness for such purposes to \$450,000,000.

The Redevelopment Agency will, at Catellus' request, establish one or more Community Facilities Districts (CFDs) for each of the Plan Areas pursuant to the Mello-Roos Community Facilities Act of 1982, as amended. The formation of each CFD will require the approval of at least two-thirds of the property owners of the District. Under each CFD, special taxes<sup>2</sup> would then be levied on the private property in the Plan Area (excluding, among other property, the Redevelopment Agency's affordable housing sites and any other property ultimately owned by the City, the

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<sup>1</sup> When a Redevelopment Project Area is formed, the cumulative assessed values of the property within the Area are measured at their current assessment, called the "base" or "frozen" value. Then, as assessed values increase over the years (mostly through new development, but also through sales of property and annual increases of up to two percent), the increased property taxes are considered "tax increment." Redevelopment agencies may then sell bonds which are repaid with all or a portion of this tax increment. The bonds are referred to as "tax allocation bonds" or "tax increment bonds". The Board of Supervisors approval is required for the issuance of these bonds.

<sup>2</sup> At the time at least 2/3 of property owners vote for the establishment of the CFD, they approve the imposition of a specific special tax formula. The term used under the Mello-Roos Act is 'special taxes', which are collected with the ordinary ad valorem property taxes on the consolidated property tax bill.

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Redevelopment Agency or any other public agency, including UCSF). The Redevelopment Agency would then issue bonds to finance public infrastructure improvements before development in the Plan Area generates sufficient tax increment revenue that may be used for such purpose. The revenues generated by the special taxes would be used to make payments on the Mello Roos bonds or to pay for public infrastructure directly until Net Available Tax Increment is generated from the property within the District.<sup>3</sup> At such time, both Catellus and the Redevelopment Agency will determine how to apply the Net Available Tax Increment from the Plan Area, consistent with the parameters in the Financing Plan.

Development in the North and South Plan Areas is projected to generate approximately \$685 million in Net Available Tax Increment, including approximately \$220 million in the North Plan Area and \$465 million in the South Plan Area. Ms. Amy Neches of the Redevelopment Agency advises that the Net Available Tax Increment may be applied in various ways including (a) applying it for debt service payments on the outstanding bonds issued by the CFD, (b) refinancing the outstanding bonds, (c) paying or otherwise reimbursing directly the costs of infrastructure, or (d) a combination of the foregoing.

With respect to the CFD, Ms. Neches advises that the special tax rates paid by property owners will differ for commercial, residential and undeveloped land. Ms. Neches states that as a general rule, rates for undeveloped land and developed commercial land will be assessed on a per square footage basis. For the developed residential land, the rates may be assessed on a per unit basis or may be more specific and also include square footage. The specific rates would be detailed in the Rate and Method of Apportionment document that would be available to the property owners at the time of the establishment of the CFD. Ms. Neches advises that as a general rule, the combination of the regular ad valorem property tax rate and the special tax rate (imposed by the CFD) should not exceed two percent of the total assessed value of the property.

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<sup>3</sup> Net Available Tax Increment will equal approximately 50-60 percent of the total tax increment generated in each Plan Area. It excludes the portion of tax increment required under State law to be used for affordable housing in San Francisco (at least 20 percent) and to be paid to the City's General Fund, and other affected taxing agencies, such as the Unified School District, (another 20 percent) as well as the obligations under the Financing Plan to pay Redevelopment Agency and City administrative costs and, in the case of tax allocation bonds, issuance costs.

Fiscal and economic impact

The Sedway Group, a private real estate and urban economics firm, performed a fiscal and economic impact analysis of the proposed Mission Bay project. The Sedway Group worked for and under the supervision of the City and the Redevelopment Agency but the report was paid for by Catellus. The Sedway Group examined Mission Bay's projected fiscal impacts on the following City services: Police (new Police Station, staffing and equipment), Fire (new Fire Station, staffing and equipment), Public Works (street repair, repaving, maintenance and cleaning), Public Health, Parking and Traffic (parking control maintenance and street striping), Muni (capital and operating), general government overhead as well as the City's public schools.

As detailed in Attachment 2, provided by the Sedway Group, the analysis finds that over the 30-year study period (1999-2028), following the start of the Mission Bay construction, approximately \$405.1 million in net revenues (net of costs) would flow to the City's General Fund from sales taxes from new construction and infrastructure, construction related payroll taxes, property taxes, parking taxes, and other user related taxes. Another \$116.8 million in net revenues from construction-related sales taxes and other development related payments agreed to by Catellus, would be allocated to the Department of Public Works (\$7.5 million), MUNI (\$21.1 million), and other City funds (\$88.2 million), such as Hotel Tax funds dedicated to grants for the arts, fine arts museums, visitor and convention services, etc. Additionally, the net fiscal impact to the San Francisco Unified School District would be a \$5.2 million surplus accruing from school impact fees, property taxes and State reimbursements. To be conservative, this fiscal analysis assumes that the traditional MUNI Federal and State funding sources (such as funding from the Federal Transit Authority or the State Transportation Improvement Program) are not available to cover one-time MUNI capital and infrastructure costs, and that any capital costs incurred by MUNI would be funded through the City's General Fund.

Pursuant to this assumption, the figures in Attachment 2 project a cumulative short-term deficit (or additional cost) of \$22.5 million to the City's General Fund over the first five years (1999-2003), due to one-time costs of providing light rail service to Mission Bay (approximately \$32 million in total costs). In addition, if the traditional Federal and State funding sources for MUNI are not available, at the end of the subsequent five year period (2004-

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2008), cumulative short-term deficit (or additional cost) to the City's General Fund is expected to be \$4.4 million attributable to additional MUNI capital costs (approximately \$14.6 million) to provide trolley bus services to Mission Bay. As shown in Attachment 2, the General Fund would show a cumulative negative balance during the initial five year (of \$22.5 million) and ten year periods (of \$4.4 million), due to the assumption that the City's General Fund would fund all of MUNI's \$46.5 million capital requirements (which would be greater in the initial five year period). Mr. Walter Streeter of Muni reports that Muni's current ten year capital Financial Plan assumes that Federal, State and local (1/2 cent sales tax) sources will continue to be available for capital purchases. However, even under this assumption, after ten years there are projected to be net increases to the City's General Fund and by the end of the 30-year period (expected build out period), the General Fund is estimated to realize positive cumulative net revenues of approximately \$405.1 million.

As shown in Attachment 3, if traditional Federal and State funding sources are available to cover such one-time MUNI costs, as they are expected to be, the additional net revenues to the General Fund over the life of the project (30 years) would total \$451.6 million, (including \$9.3 million in net revenues during the first five years of the project, in contrast to the \$22.5 million deficit during this period that would occur if the General Fund was used to cover MUNI's capital costs). As a result, if these traditional Federal and State transportation funds are available for MUNI, as is anticipated, the overall cumulative net revenues to be realized by the City's General Fund (from the same sources as discussed above) over the 30-year period would be increased from approximately \$405.1 million to approximately \$452 million, an increase of approximately \$47 million.

The Sedway Group report further finds that at project build-out (conservatively approximately 30 years), Mission Bay North and South are expected to generate about 42,000 direct and indirect jobs, of which approximately 56 percent or 23,600 would be held by San Francisco residents (i.e., five percent of the estimated 472,000 jobs that would then be held by San Francisco residents). As part of the proposed development, Catellus has agreed to a First Source Hiring Program, which includes payment by Catellus of \$3 million to fund the City's job training, referral and First Source Hiring

Program, which encourages employment of public assistance recipients and other economically disadvantaged persons.

#### Land Transfer Agreements

All of the property within the North Plan Area consisting of approximately 65 acres is currently owned by either Catellus (35 acres), the City (29 acres) including the Port, or Caltrans (1 acre). The South Plan Area consists of approximately 238 acres of the property of which 124 acres is owned by Catellus, 105 acres is owned by the City, including the Port, and approximately nine acres are owned by five third-party private owners. Attachment 4 lists the third party owners and their specific acreage. In addition, Mission Bay (North and South) consists of filled tide and submerged lands. The State Lands Commission has asserted public trust claims over 97 acres of Mission Bay that are existing and former street areas (51 acres) and Port property (46 acres) that is subject to the public trust and the related Burton Act trust (see Files 98-1437 and 98-1438).

The existing land ownership pattern within Mission Bay consists of a fragmented system of privately and publicly held lands, including present and former City street areas. The City's parcels are not independently developable. In 1993, in connection with the previous Mission Bay Development Agreement, the City (including the City acting through the Port), the State Lands Commission and Catellus entered a series of Land Transfer Agreements, to provide for the exchange of land to create a network of developable parcels and enhanced access to the waterfront. Those agreements have remained in effect, despite the termination of the previous Development Agreement for Mission Bay, consistent with their terms. The parties referred to above, now wish to redesignate a number of the transfer parcels and to amend and restate the Mission Bay City Land Transfer Agreement (the Amended CLTA) and the Port Land Transfer Agreement (the Amended PLTA) in their entirety. In addition, conforming amendments have been included in the Agreement Concerning the Public Trust (the Amended ACPT) among the City, including the Port, Catellus and the State Lands Commission to provide for the relocation of public trust interests.

Based on an outside independent appraisal, the City's Director of Property, determined that the approximate \$18.7 million value of the property which the City will receive from Catellus in the exchange under the Amended CLTA, is approximately \$8.2 million

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more than the approximate \$10.5 million value of the property the City will transfer to Catellus.<sup>4</sup> Similarly, under the Amended PLTA, Catellus will convey the Western Pacific property (approximately \$25 million) to the City, through the Port, and the City and Port will transfer approximately \$12 million value of property to Catellus. The land the City, through the Port, is receiving is valued at approximately \$13 million more than the value of the land it is transferring to Catellus.

The main purposes of the proposed amendments to the Land Transfer Agreements, are to resolve long-standing title and ownership disputes among the City, the State Lands Commission and Catellus, to transform the patchwork ownership of land into developable parcels for both public and private uses, consistent with the Mission Bay North and South Redevelopment Plans, and to enhance public access to and enjoyment of the waterfront. Deputy City Attorney Jesse Smith advises that shortly after Catellus and the City entered into the previous land transfer agreements they exchanged quitclaim deeds<sup>5</sup>. This exchange of quitclaim deeds largely settled the differences between Catellus and the City. However, there were also significant differences between the parties, including the State Lands Commission about how much property in Mission Bay, as well as in the Western Pacific Property, was affected by the public trust. Mr. Smith states that through the exchanges and contributions of property contemplated by the land transfer agreements, including the Agreement Concerning the Public Trust (which also would require quitclaim deeds to be exchanged among the parties), the title disputes would be resolved.

**Items: Item 2 - File 98-1426:** Motion affirming the certification of the Final Subsequent Environmental Impact Report for the Mission Bay North and Mission Bay South Redevelopment Plans by the Planning Commission.

**Item 3 - File 98-1427:** Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act (CEQA) and State

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<sup>4</sup> The average value of land within Mission Bay was independently appraised at approximately \$11 per square foot. Under the CLTA, Catellus would transfer 39 acres (or 1,698,840 square feet) of land to the City and the City would transfer approximately 22 acres (or 958,320 square feet) to Catellus.

<sup>5</sup> A quitclaim deed is a deed by which one person conveys to another any and all of its interest in real property, without any representation as to its title to the property it is conveying. A quitclaim deed is commonly used to resolve title disputes.

Guidelines in connection with adoption of the Mission Bay North and Mission Bay South Redevelopment Plans and various other actions necessary to implement such plans.

**Item 4 - File 98-1428:** Ordinance rescinding the Mission Bay Plan and approving amendments to the San Francisco General Plan.

**Item 5 - File 98-1429:** Ordinance amending Part II, Chapter II of the Administrative Code (Planning Code) by amending Section 901, and Figures 1 and 3 of Article 9, and adopting findings pursuant to Planning Code Section 101.1

**Item 6 - File 98-1430:** Ordinance amending the zoning map of the City and County of San Francisco for property located in the Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, to delete the Height and Use district classifications and make cross-reference to the Mission Bay North and Mission Bay South Redevelopment Plans and adopting findings pursuant to Planning Code Section 101.1.

**Item 7 - File 98-1431:** Ordinance amending Part II, Chapter XIII of the Subdivision Code to add the Mission Bay Subdivision Code to provide for processing of subdivision and parcel maps in the Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, and adopting findings pursuant to Planning Code Section 101.1.

**Item 8 - File 98-1432:** Resolution approving and authorizing a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, concerning the pledge of Net Available Tax Increment from the Mission Bay North Plan area for the purpose of financing public infrastructure and affordable housing units in furtherance of the implementation of the Redevelopment Plan for the Mission Bay North Project; authorizing and approving the incurrence of bonded indebtedness by the Redevelopment Agency not to exceed \$190,000,000 for such purposes; adopting City policy that all available housing increment produced in the Mission Bay North Plan area be used for the development of affordable housing on parcels to be contributed to the Redevelopment Agency; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that

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the agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 9 - File 98-1433:** Resolution approving and authorizing a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, concerning the pledge of Net Available Tax Increment from the Mission Bay South Plan area for the purpose of financing public infrastructure and affordable housing units in furtherance of the implementation of the Redevelopment Plan for the Mission Bay South Project; authorizing and approving the incurrence of bonded indebtedness by the Redevelopment Agency not to exceed \$450,000,000 for such purposes; adopting City policy that all available housing increment produced in the Mission Bay South Plan area be used for the development of affordable housing on parcels to be contributed to the Redevelopment Agency; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 10 - File 98-1434:** Resolution approving and authorizing a Land Donation Agreement between the City and County and the Regents of the University of California (UC), for the contribution to UC, at no cost to UC, of approximately 11.89 acres of City-owned present and former street areas, for development of a new UCSF expansion campus in Mission Bay South; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 11 - File 98-1435:** Ordinance approving and authorizing the amendment and restatement of the Mission Bay City Land Transfer Agreement between the City and County, including its Port Commission, and Catellus Development Corporation; approving and authorizing the Catellus Lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 12 - File 98-1436:** Ordinance approving and authorizing the amendment and restatement of the Mission Bay Port Land Transfer Agreement between the City and County, through its Port Commission, and Catellus Development Corporation; approving the Agency Lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 13 - File 98-1437:** Ordinance approving and authorizing the amendment and restatement of the Agreement Concerning the Public Trust for Mission Bay among, the City and County, including its Port Commission, the State of California and Catellus Development Corporation; adopting findings that certain transfers of land contemplated by such agreement are authorized by and consistent with the provisions of State legislation set forth in Chapter 1143 of the Statutes of 1991, as amended by Chapter 86 of the Statutes of 1992 and Chapter 203 of the Statutes of 1997; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 14 - File 98-1438:** Resolution approving and authorizing the transfer of administrative jurisdiction over certain property in Mission Bay South described as the City Facilities Parcel, from which the Burton Act Trust and Public Trust shall be removed in connection with the closing of the land transfer agreements, from the Port Commission to the Director of Administrative Services; approving jurisdiction over certain Mission Bay land transfers parcels in the Port; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such transfer of jurisdiction is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 15 - File 98-1439:** Resolution approving and authorizing the termination of the Mission Bay Transportation Projects Agreement between the City and County and Catellus Development Corporation; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action



is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Item 16 – File 98-1500:** Ordinance authorizing settlement with Defendant, 1900 Third Street, LLC in litigation of the City and County of San Francisco v All Persons.

**Item 17 – File 98-1501:** Resolution approving the License Agreement with 1900 Third Street LLC relating to the use of former City streets within the Mission Bay development project area; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the license is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1.

**Description:** **Item 2 - File 98-1426:** Final Subsequent Environmental Impact Report (FSEIR). This motion affirms the certification of the FSEIR by the Redevelopment Agency and City Planning Commissions and finds that the contents of the FSEIR and the procedures through which the FSEIR was prepared, publicized and reviewed complies with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines and Chapter 31 of the Administrative Code.

**Item 3 - File 98-1427:** This resolution adopts environmental findings (and a statement of overriding considerations) pursuant to the CEQA and State Guidelines in connection with adoption of the Mission Bay North and Mission Bay South Redevelopment Plans and various other actions necessary to implement such plans.

**Item 4 - File 98-1428:** This ordinance rescinds the Mission Bay Specific Plan which was previously approved by the Board of Supervisors in 1991 and approves amendments to the City's General Plan. The City's General Plan is proposed to be amended to make it consistent with the proposed Redevelopment Plans for the North and South Plan Areas. According to Ms. Susana Montana of the Planning Department, the Specific Plan dealt with a different land use pattern for the Mission Bay area. The Specific Plan had a different street grid combination and housing and office use dominated the plan. The proposed Mission Bay Plans focus on housing, the UC campus and the provision of medical research and development of commercial and other retail facilities. It should be noted that there are four parcels of land that were part of the previous Mission Bay plans that are not part of the proposed

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redevelopment plans. These parcels will continue to be governed by the City's existing Planning Code.

**Item 5 - File 98-1429:** This ordinance amends Section 901, and Figures 1 and 3 of Article 9 of the Planning Code and adopts findings pursuant to Planning Code Section 101.1. The proposed legislation defines the areas to be governed by the Mission Bay North and South Redevelopment Plans.

**Item 6 - File 98-1430:** This ordinance amends the zoning map of the City and County of San Francisco for property located in the Mission Bay area, to cover the area generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street. This ordinance would also delete the Height and Use District classifications (that is the previous classifications proposed under the Specific Plan designating certain areas of Mission Bay as appropriate for commercial, residential and other types of development. Land use classifications and height limits under the proposed Mission Bay Plan would be cross referenced to the proposed Redevelopment Plans.

**Item 7 - File 98-1431:** This ordinance amends Part II, Chapter XIII of the Subdivision Code to add the Mission Bay Subdivision Code to provide for processing of subdivision and parcel maps in the Mission Bay area. The Mission Bay Subdivision Code establishes the procedures and requirements for the control and approval of subdivision development within the proposed Mission Bay Plan Areas.

**Items 8 and 9 - File 98-1432 and File 98-1433:** The Redevelopment Plan for each of the Plan Areas provides for the use of tax increment revenue and tax allocation bonds to finance the construction of public infrastructure and affordable housing in each Plan Area. The public infrastructure cost for the North Plan Area is estimated at approximately \$25 million and the public infrastructure cost for the South Plan Area is estimated at approximately \$120 million, for a total of \$145 million. The development of affordable housing is estimated to cost approximately \$250 million.

These resolutions approve and authorize a Tax Increment Allocation Pledge Agreement between the City and County of San Francisco and the Redevelopment Agency concerning the pledge of

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Net Available Tax Increment from each of the Plan Areas. The Tax Increment Bonds would be secured by a pledge of Net Available Tax Increment from the Plan Areas, which is the subject of this resolution. The Redevelopment Plan for the North limits the total amount of bonded indebtedness to \$190,000,000 (File 98-1432) and the Redevelopment Plan for the South limits the total bonded indebtedness to \$450,000,000 (File 98-1433).

The principal agreements governing development in each of the Plan Areas are the Owner Participation Agreements (OPAs), one each for the North and the South Plan Areas between the Redevelopment Agency and Catellus. The Redevelopment Agency and Catellus will execute the OPAs following certification of the FSEIR and adoption of the proposed Redevelopment Plans (Files 98-1440 and 98-1441) and amendments to the General Plan, Planning Code and Zoning Map (Files 98-1428, 98-1429, 98-1429 and 98-1430). Specific Financing Plans are attached as exhibits to the OPAs and Tax Allocation Agreements, which contain the terms and conditions for the use of the tax increment financing in the respective Plan Areas.

Under the proposed Financing Plans (attached to the OPAs and Tax Allocation Agreements), the Redevelopment Agency would agree to pledge Net Available Tax Increment revenues from the respective Plan Areas for the construction of public infrastructure improvements by Catellus, as required for development within that Plan Area. Pursuant to authority granted under the California Constitution and State law, the City would enter into a Tax Allocation Agreement with the Redevelopment Agency, whereby the City would acknowledge and agree to the pledge by the Redevelopment Agency and authorize the Redevelopment Agency to issue tax allocation and CFD debt for such purposes. Catellus would be the third party beneficiary of each Tax Allocation Agreement for the North and South Plans Areas in order to enable Catellus to enforce the City's commitment to allocate the Net Available Tax Increment as set out in the Agreements.

Fiscal impact analysis conducted by Seifel Associates (as a subcontractor to the Sedway Group, working for and under the supervision of the City and the Redevelopment Agency and paid for by Catellus), found that there will likely not be sufficient tax increment revenues at the outset of the development in each of the Plan Areas to finance the necessary public infrastructure

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improvements. Thus, the Redevelopment Agency will, at Catellus' request, establish one or more Community Facilities Districts (CFDs) for each of the Plan Areas pursuant to the Mello-Roos Community Facilities Act of 1982, as amended. In accordance with this Act, upon approval by at least two-thirds vote of the property owners (principally Catellus) within the district, the Redevelopment Agency may issue bonds secured by the levy of special taxes on the private property in the Plan Area (excluding, among other property, the Redevelopment Agency's affordable housing sites, the UCSF property and any other property ultimately owned by the City, the Redevelopment Agency or other public agency).<sup>6</sup>

According to Mr. Smith, there are no other private property owners other than Catellus in the North Area, and the creation of the CFD is likely to cover all of Catellus' property in the North Plan Area, since it should provide a less expensive means for Catellus to finance the public infrastructure improvements than conventional private construction financing. However, Mr. Neches notes that if some of the other property owners in the South Area are not willing to approve the CFD, these properties can be excluded from the CFD in the South Area, and can pay directly for the cost of the infrastructure. The Redevelopment Agency would then issue bonds to finance public infrastructure improvements before development in the Plan Area generates sufficient tax increment revenues that can be used for paying for the public infrastructure improvements. Net Available Tax Increment from the Plan Area or the issuance of bonds secured by a pledge of such increment would then be used to (1) make payments on indebtedness of the CFD, (2) pay or otherwise reimburse directly or with the proceeds of the tax allocation bonds the costs of the public infrastructure, or (3) a combination of the foregoing. According to Deputy City Attorney Jesse Smith, formation of the CFD for public infrastructure improvements in each of the Plan Areas is a fundamental condition under the OPA for Catellus' affordable housing obligations.

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<sup>6</sup> At least two-thirds of the property owners (just Catellus in the North Plan Area and principally Catellus in the South Plan Area, but possibly other owners if they agree to be part of the CFD) have to vote for the establishment of the CFD. At that time, the property owners in the CFD would also adopt a Resolution of Intention that includes a "Rate and Method of Apportionment" of the special taxes, so that at the time of the vote, the property owner(s) know what the special taxes will be. Therefore, in voting for the establishment of the CFD, the owner(s) are voting for the imposition of the specific special tax formula.

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The costs to be paid or reimbursed with the proceeds of the CFDs and ultimately with the Net Available Tax Increment include the cost of constructing infrastructure, including public open space (consisting of approximately six acres in the North Plan Area, 41 acres in the South Plan Area and two acres of adjoining Port property along the Bay front, but excluding the eight acres of public open space in the UCSF campus area) that would provide a variety of public amenities and spaces for recreation, and other public infrastructure improvements, along with the associated costs of remediating hazardous materials in accordance with the Environmental Investigation and Response Programs. Remediation of affordable housing sites would be paid for by Catellus. Ms. Neches of the Redevelopment Agency advises that the breakdown of infrastructure costs associated with the North Plan Area which include remediation costs are estimated to total \$25 million, including approximately \$6 million for open space areas, \$14 million for public infrastructure improvements and \$5 million for other smaller projects, including the pedestrian bridge to be built across Mission Creek. According to Ms. Neches, infrastructure costs associated with the South Plan Area are estimated to total \$120 million, including \$26 million for open space, \$70 million for public infrastructure improvements, \$3.9 million for the Police and Fire Station and the balance of \$20.1 million for smaller projects including sewage and waste water projects. A combined Police and Fire Station would be located in the South Plan Area, east of Third Street on City property, a portion of which is being transferred from the Port to the City, under the proposed Land Transfer Agreements. Catellus would be responsible for paying a total of \$3.9 million (\$1.42 million for the Police Station and \$2.48 million for the Fire Station) to the City from the CFD revenues for construction of this facility. However, according to estimates included in the Sedway Group report, the combined Police and Fire Station is anticipated to cost a total of approximately \$5.5 million, or \$1.6 million more than the Catellus contribution. Providing these additional funds of \$1.6 million to construct the Police and Fire Station would be the City's funding responsibility.

Once the City accepts the completed public infrastructure improvements from Catellus, the City will be responsible for the on-going maintenance and operation of the infrastructure, excluding the public open space and UCSF infrastructure within the campus sites. The additional street repair and maintenance costs are estimated at between \$23,000 and \$411,000 annually.

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Maintenance of the open space (excluding the eight acres in the UCSF campus), estimated at approximately \$700,000 annually, would be funded primarily by Catellus through a maintenance Community Facilities District (CFD) in each Plan Area.

In addition, the South Plan Area includes the development of a new public school, estimated to cost approximately \$16 million, on approximately a 2.2 acre site within the UCSF campus. Catellus (or UCSF) will donate the site for development of the school by the Unified School District. Catellus will pay for the school yard improvements on approximately .7 acres of the site, through the CFD (which is eligible to be reimbursed with tax increment).

As provided in the Financing Plan, no tax increment revenues nor any proceeds of any tax allocation bonds would be made available for the financing of public infrastructure improvements beyond any Net Available Tax Increment generated in the Plan Area. The Financing Plans provide that Catellus will agree to pay all shortfalls in the available tax increment revenues on Catellus' property to the extent needed to pay debt service on any tax allocation bonds issued to finance public infrastructure improvements within the North Plan Area or otherwise primarily benefiting the Plan Area. Catellus' obligation to make these payments applies to tax increment generated on property that Catellus continues to own and to certain property that Catellus transfers.

The Financing Plan also provides that all of the available Housing Increment produced by development in the Plan Area, which is 20 percent of all tax increment revenue, will be used in the North and South Plan Areas for the development of approximately 1,445 Redevelopment Agency affordable housing units. None of the 20 percent affordable housing set aside will be used for Catellus' affordable housing. These units would serve a range of households, from very low income (earning no more than 50 percent of the Bay Area median income, currently \$34,300 per year, per household) to moderate income (earning no more than 110 percent of the Bay Area median income, currently \$75,640 per year per household). Catellus will donate, at no cost, to the Redevelopment Agency, between approximately 2.5 and 3.8 acres of land suitable for development of affordable housing in the North Plan Area and approximately 12.2 acres in the South Plan Area for that purpose. Such affordable housing would be constructed by Redevelopment Agency sponsored non-profit developers.

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The Financing Plan for the North Plan Area, contains special provisions relating to the use of tax increment revenues for the construction of up to 600 affordable housing units in the North Plan Area, of which 345 would be developed under the auspices of the Redevelopment Agency and the remaining 255 would be developed by Catellus. All of the housing that Catellus will construct in the South Plan Area will be market rate units. If during the term of the North Redevelopment Plan there is any Net Available Tax Increment from development in the North Plan Area that is not required to pay for public infrastructure as further provided in the North Financing Plan, then such excess increment would be made available, on an equal basis (1) to help finance development of affordable housing units for very low-income households (i.e. households earning up to 50 percent of the Bay Area's median income) by Catellus (although limited to a maximum of 102 very low income units at \$63,000 per unit, or \$6,420,000) and (2) to help finance development of affordable housing units by the Redevelopment Agency on the sites consisting of approximately 2.5 to 3.8 acres in the North Plan Area and approximately 12.2 acres in the South Plan Area, donated to the Redevelopment Agency by Catellus. The Redevelopment Agency will enter into agreements with non-profit affordable housing developers selected through a competitive process to construct the Redevelopment Agency's allocation of affordable housing units. Catellus will provide \$500,000 in each of the North and South Plan Areas, for a total of \$1,000,000, to establish revolving loan funds for pre-development monies to the affordable housing developers.

**Item 10 - File 98-1434:** This resolution approves and authorizes a Land Donation Agreement (LDA) between the City and County of San Francisco and the Regents of the University of California (The Regents), for the contribution to UC, at no cost to UC, of approximately 11.89 acres of City-owned present and former street areas, for development of a new University of California at San Francisco (UCSF) expansion campus in the Mission Bay South Plan Area. According to Mr. Larry Ritter of the Real Estate Department, the entire Mission Bay development has been valued at approximately \$11 per square foot, based on an independent appraisal. Based on this \$11 per square foot value, the 11.89 acres of land to be donated by the City to UC, (based on 43,560 square feet to the acre) is worth \$5,697,208.

The City, including the Port, previously authorized the contribution of approximately 1.34 acres of City-owned land in the proposed South Plan Area to UC for the construction of UCSF facilities on Parcel 24, at 16<sup>th</sup> and Owens Streets (Files 185-98 and 186-98). According to Deputy City Attorney Jesse Smith, this land transfer is expected to close in the middle of October of 1998.

The contribution of an additional 11.89 acres would be made in two principal phases. The first phase would consist of approximately 9.45 acres and would coincide with the contribution by Catellus to UC of approximately 16.19 acres of adjoining property owned by Catellus. The second contribution would consist of approximately 2.44 acres. This second City land transfer would occur the later of (1) two years after the closing of the first parcel contribution or (2) five years after 9.7 acres have been conveyed by the City and Catellus to the Regents; however, the Regents have the right to acquire the City property.

The total City contribution to the new campus area would be approximately 13.23 acres and the total Catellus contribution would be approximately an additional 29.27 acres. All of the City land would be conveyed in its 'as is' condition. Catellus would be responsible, at no cost to the City, for remediation of hazardous substances on all the donated land and for construction of the necessary infrastructure to the outside perimeters of the campus area, under separate agreements between Catellus and UC. The City's Donation Agreement regarding these properties contains a right of reverter<sup>7</sup> clause for any property that UC does not develop for university purposes, if UC chooses to construct a new campus of more than 500,000 square feet elsewhere (subject to certain exceptions for locations within the City) before building out at least 1,000,000 square feet within the Mission Bay campus site. However, once these conditions are met by UC, the right of reverter provisions are terminated.

Under the proposed Land Donation Agreement, UC would commit to providing a site for an elementary or secondary public school and approximately eight acres within the campus area as publicly accessible open space so long as the Mission Bay South Redevelopment Plan is consistent with uses in the campus area.

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<sup>7</sup> A right of reverter, also called a power of termination, is the right of a person who conveys real property to reclaim title to the property if the person who had acquired the property violates a covenant, condition or restriction governing the use of such land.

**Item 11 - File 98-1435:** Under the proposed Amended City Land Transfer Agreement (CLTA), the City and County will convey approximately 22 acres of City-owned property to Catellus for development purposes, consistent with the Mission Bay North and South Redevelopment Plans. The principal reasons for the land transfers between the City and Catellus are to transform the land into developable parcels for both public and private uses and to enhance public access to and enjoyment of the waterfront. In exchange, Catellus would convey to the City (or cause to be transferred through the Port to the City) approximately 39 acres of land. The land the City would receive would be used for street and open space purposes, as well as for the site of a new Police and Fire Station, under the new land use plans for Mission Bay. Based on an outside independent appraisal, the City's Director of Property determined that the approximate \$18.7 million value of the 39 acres of property the City would receive in the exchange is approximately \$8.2 million greater than the approximate \$10.5 million of the 22 acres of property the City would transfer to Catellus. Under the North and South OPAs, Catellus would be responsible for constructing all required street and open space improvements on the lands conveyed, including any remediation of hazardous materials required for such uses.

The City, including the Port, will agree under the Amended CLTA to lease back to Catellus approximately 47 acres that is conveyed, until such time as it is needed for development of open space and streets pursuant to the OPAs. Deputy City Attorney Jesse Smith advises that the lease-back is intended, in part, to compensate Catellus for the greater acreage Catellus is conveying to the City, as well as to facilitate economically productive interim uses of the property until Catellus is ready to develop, and to relieve the City of the costs and liabilities associated with managing the property during such interim period, including hazardous materials. Mr. Smith reports that based on an independent appraisal provided to the Real Estate Department, even after taking into account the projected maximum foregone lease revenues that the City would give up under the proposed lease arrangements for the first five and twenty years on some of the property, the City would still receive approximately \$2 million more in value than Catellus under the CLTA and approximately \$12,250,000 more in value under the PLTA. In addition, Mr. Smith notes that the City has the right (as required by State legislation authorizing Trust transactions) to terminate the lease arrangements with Catellus

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for approximately 37 acres of the leased property for public trust purposes, after providing 18 months notice (or six months depending on the parcel in question).

In addition, the lease-back agreement from the City to Catellus provides for participation by the City, including the Port, in revenues allocable to the City parcels. These sub-lease revenues would stem from existing or future tenants and would vary depending on the designation of the leased City parcel. For example, depending on how the property is classified under the lease-back arrangement, the City may participate in the revenues immediately, or in other cases not until after five or 20 years, depending on the classification of the property. Once any such property is needed for UCSF development or for public open space in connection with Catellus' development under the North or South OPA, the lease-back of such property would terminate.

Under both the Amended City Land Transfer Agreement (CLTA) and the Amended Port Land Transfer Agreement (PLTA), the land provided by the City is exchanged in its "as is" condition. The City and Catellus will release each other from all claims relating to hazardous materials, subject to certain exceptions. Catellus however, is obliged to remediate all the land it transfers to the City, including the Port, to a level suitable to its designated use, for example, for use as open space.

**Item 12 - File 98-1436:** Under the proposed Amended Port Land Transfer Agreement (PLTA), the Port would convey approximately 25 acres (approximately 7 of those 25 acres would be designated as public open space and would remain in Port hands until leased to the Redevelopment Agency for open space purposes) of Port property in the South Plan Area to Catellus for development purposes, consistent with the South Redevelopment Plan. In exchange for the Port property, Catellus will convey to the Port, Catellus' interest in approximately 27 acres of property known as the Western Pacific property, located outside of the North and South Plan Areas, adjacent to Pier 80 and generally bounded by 25<sup>th</sup>, Cesar Chavez and Illinois Streets (the Western Pacific Property). Again, the principal reasons for the land transfers between the City, including the Port, and Catellus are to transform the land into developable parcels for both public and private uses and to enhance public access to and enjoyment of the waterfront. Based on an outside independent appraisal, the City's Director of Property, with the concurrence of the Port Director,

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determined that the value of Catellus' interest in the Western Pacific Property (approximately \$25 million) to be transferred to the City, through its Port, is approximately \$13 million more than the approximate \$12 million value of the property the City will transfer under the Amended PLTA.<sup>8</sup>

In addition, the Port would agree to lease to the Redevelopment Agency the open space (approximately seven acres) to be developed on Port property, including the Bayfront Park and the Mission Creek South Park (other than the land in Mission Creek that is subject to the existing Port lease to the approximately 35 owners of the houseboats) in the South Plan Area. Catellus will be obligated to build the open space improvements in accordance with the South OPA.

**Item 13 - File 98-1437:** This ordinance would approve and authorize the Amended Agreement Concerning the Public Trust (ACPT) between the City (including the City acting through the Port), the State Lands Commission and Catellus which, will implement special State legislation adopted in 1997 for Mission Bay. The public trust generally restricts the uses that can be made of trust property to water-related commerce, navigation and fisheries and recreational uses and prohibits the conveyance of trust property to private owners. The Burton Act is the result of previous legislative action in 1968 which was taken to make the City, through its Port, the trustee of certain lands that are subject to the trust. The actions taken by the City and Port regarding the transactions contemplated by the ACPT for the public trust, are subject to the supervision of the State Lands Commission.

Under the proposed ACPT, the public trust and the Burton Act trust would be removed from certain property in the North and South Plan Areas and would be placed on other property in Mission Bay, together with certain use restrictions contemplated by the State legislation. For example, approximately 47 acres of land that the City is transferring to Catellus will be removed from the trust, so as to allow Catellus to develop the land without being prevented by the use restrictions that would otherwise be imposed by the trust from realizing the objectives of the proposed

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<sup>8</sup> The land within the Western Pacific property (just south of Mission Bay) was independently appraised as having the average value of approximately \$21 per square foot. Catellus would transfer approximately 27 acres (or 1,176,120 square feet) of Western Pacific property to the City. The City would transfer approximately 25 acres (or 1,089,000 square feet) of land within Mission Bay (appraised at approximately \$11 per square foot) to Catellus.

redevelopment plans, and approximately 34 acres that the City is receiving from Catellus will be subject to the trust, such as lands designated for open space. In total, the 97 acres of land that are being removed from the trust will be replaced with 78 acres of land that will now be subject to the trust. The amended ACPT will also remove public trust claims from 27 acres of the inland areas of the Western Pacific Property and confirm the public trust in a shoreline band and in the submerged portions of the Western Pacific Property in the Bay. The Amended ACPT will also terminate the trust over the land to be contributed to UC under the UCSF LDA so as to allow UCSF to develop the land.

**Item 14 - File 98-1438:** This resolution approves and authorizes the transfer of administrative jurisdiction over 1.27 acres of property in the South Plan Area, from the Port to the Director of Administrative Services. The 1.27 acres would be land that would ultimately be used for the construction of a combined Police and Fire Station and as such the administrative jurisdiction would be transferred to the City from the Port.

**Item 15 - File 98-1439:** This resolution approves and authorizes the termination of the Mission Bay Transportation Projects Agreement between the City and County and Catellus. The Transportation Projects Agreement described various transportation projects in Mission Bay, such as the expansion of King Street and construction of the MUNI metro extension, the construction of the Metro E light rail storage and maintenance facility and the construction of the MUNI operations staging and support facilities, that have either been accomplished or will be superseded with the adoption of the proposed Redevelopment Plans. The proposed Mission Bay Plan includes transportation projects for Mission Bay, such as accommodation for the extension of the Third Street Muni Metro Line.

**Items 16 and 17: Files 98-1500 and 98-1501:** The proposed ordinance and resolution would settle a potential dispute between the City and 1900 Third Street Limited Liability Company (LLC) concerning title to certain former City street areas (Tennessee and 17<sup>th</sup> Streets) in the Mission Bay project area. Because the official records indicating the City's title to the subject property were lost in the 1906 earthquake and subsequent fire, the City must undertake an expedited form of title action, in accordance with the McEnerney Act. As shown in Attachment 4, 1900 Third Street LLC



owns 4.43 acres and is one of the five private property owners in the Mission Bay South Area, besides Catellus.

Under the proposed legislation, 1900 Third Street LLC would quitclaim to the City any and all right, title or interest in the street areas. The City and Catellus, in exchange, would execute a License Agreement allowing 1900 Third Street LLC, to use the former City street areas and portions of the Catellus property for ingress and egress, maneuvering and parking of vehicles and to allow for the continuing encroachment of building improvements onto City and Catellus property.

The term of the License Agreement would continue until December 31, 2015, unless terminated earlier in accordance with the terms of the Agreement. The License fee to be paid by 1900 Third Street LLC to the City would be \$2,485.20 per month for approximately 20,710 square feet of land, or \$.12 per square foot. The proposed License Agreement contains fee adjustments every two years based on the Bay Area's Consumer Price Index (CPI). According to Mr. Larry Ritter of the Real Estate Department, the \$.12 per square foot rate was negotiated and reflects the current market rate for leases of comparable land in the area. Mr. Ritter notes that the streets that would be covered by the proposed License Agreement will be conveyed by the City to Catellus as part of the Mission Bay land exchanges. Therefore, the proposed License Agreement between the City and 1900 Third Street LLC would extend only until approximately February of 1999, when it is anticipated that the land transfers between the City and Catellus will occur. The proposed License Agreement would then be between Catellus and 1900 Third Street LLC.

**Comments:** 1. Two companion items to those discussed above are Files 98-1440 and 98-1441, which are to be heard by the Board of Supervisors sitting as a Committee of the whole on October 19, 1998. These two items provide for the Board of Supervisors approval of the Redevelopment Plans for Mission Bay North and Mission Bay South. These ordinances also provide for the Board of Supervisors' approval of Interagency Cooperation Agreements between the City and the Redevelopment Agency (for each of the Plan Areas), to provide for cooperation in administering the process for control and approval of subdivisions, and all other applicable land use, development, construction, improvement, infrastructure, occupancy and use requirement. Catellus would be a third party beneficiary of such Interagency Cooperation Agreements. An

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Infrastructure Plan is included in the Interagency Cooperation Agreement, in which, among other responsibilities, Catellus has agreed to contribute \$5 million to the City to address existing sewage odor associated with the Southeast Water Pollution Control Plant.

By their terms, the Interagency Cooperation Agreements require Board of Supervisors approval, by resolution, of any amendments to the Infrastructure Plan or the Environmental Investigation and Remediation Program that may be proposed in the future if those amendments would materially alter the obligations of any City agency or the principal benefits to the City. In addition, under the Interagency Cooperation Agreements, the City's Housing Program may not be materially amended by the Redevelopment Agency and Catellus so as to lessen the principal benefits accruing to the City from the affordable housing elements of the Housing Program, without the adoption by the Board of Supervisors of a resolution approving the proposed amendments. Similarly, Mr. Smith notes that the tax allocation agreements would require Board of Supervisors approval, by resolution, if any changes are required which would increase the pledge of tax increment revenues for public infrastructure improvements or decrease the pledge for affordable housing.

2. It should also be noted that street vacations, which are subject to the Board of Supervisors approval, are a necessary precondition to the closing of the proposed land transfer agreements. Mr. Smith notes that under the State law governing the process for general street vacations (which is incorporated by the City's Public Works Code), a street vacation ordinance requires a public hearing before the Board of Supervisors sitting as a Committee of the Whole. Similarly, the Community Redevelopment Law requires the Board of Supervisors to conduct the hearing on the adoption of redevelopment plans sitting as Committee of the Whole. Files 98-1332 and 98-1333, which would order the vacation of 27 different streets in the Mission Bay Project area, and was heard by the Economic Development, Transportation and Technology Committee on August 18, 1998 is also scheduled to be heard by the Board of Supervisors on October 19, 1998.

3. According to Mr. David Prowler of the Mayor's Office, Catellus has agreed to pay various City costs associated with the Mission Bay project. Since 1996 (pre-entitlement period, that is prior to the approval of the proposed legislation by the Board of Supervisors),

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City departments including, the City Attorney, Planning Department, Port, Department of Real Estate, Department of Public Works and the Mayor's Office, have submitted invoices to the Redevelopment Agency for their costs associated with the Mission Bay project. The Redevelopment Agency has then received reimbursement from Catellus. The Redevelopment Agency then pays back the reimbursements to the applicable City departments. Ms. Neches advises that as of the time of the writing of this report, Catellus had committed to reimbursing the Redevelopment Agency a total of \$1,890,175. Mr. Prowler advises that in the post-entitlement phase of the project (i.e., after the Owner Participation Agreements are executed), Catellus would be obliged to pay not only the regular fees associated with the Mission Bay project but also for the time spent by City departments in reviewing applications and permits (that is time that would not otherwise be accounted for by payment of the regular fees) submitted by Catellus in association with the Mission Bay project. Ms. Neches estimates this to total approximately \$500,000 annually for at least the next 15 years.

4. According to Mr. Prowler, the proposed Mission Bay Plan differs from the previous plan in several ways. Firstly, the land use pattern of the proposed Mission Bay Plan with its focus on housing (including affordable housing), provision of medical research facilities and specifically, the inclusion of the UC campus is different from the previous plan which focused primarily on office space and housing. Secondly, Mr. Prowler suggests that current market conditions and the housing crisis in San Francisco renders the proposed Plan more suitable for both the City and Catellus, the developer. According to Mr. Smith, both the City and Catellus also have significantly more knowledge about the toxic problems with the subject properties from the extensive testing that has been conducted and believe that these problems are now much more manageable than previously believed. In addition, Mr. Smith notes that the proposed financing plan to use tax increment revenues for the development of the affordable housing component and the phasing of the public infrastructure improvements to coincide with the development of the private parcels provides for a more realistic and viable schedule for project construction.

5. It should be noted that under the California Constitution, the University of California is exempt from local planning and zoning controls, whenever land under the University's control is used for educational purposes. It is anticipated that the proposed Mission

Bay development would include land which would be transferred to UC to be used as a UCSF campus for educational purposes. Nevertheless, the Land Donation Agreement contains language that the University is willing to cooperate with the Redevelopment Agency and the City regarding land use and planning issues on the proposed campus area to address the mutual interests of the City and the University.

6. The Sedway Group analysis indicates that the City would incur total additional costs of approximately \$182 million over the 30-year study period of the proposed Mission Bay development project for police, fire, public health and general government services. These costs include approximately \$56.5 million in the North Plan Area and approximately \$125.5 million in the South Plan Area, and include both one-time costs, such as the contribution of \$1.6 million for the construction of the Police and Fire Stations and annual recurring costs for Police, Fire, Public Health and government overhead costs. In addition, DPW's annual maintenance costs are estimated to cost an additional \$8.5 million over the 30 years and Muni's capital and annual operating costs are estimated at an additional \$101 million over the 30-year period.

In addition, the Sedway Group analysis identified estimated revenues of an additional approximately \$633 million over the 30-year study period of the project, including \$138 million from the North Plan Area and \$495 from the South Plan Area, resulting from increased Sales and Use Taxes from new construction and infrastructure, construction-related Payroll Taxes, Property Taxes, Parking Taxes and other related taxes and fees. Revenues to Muni during this same period are estimated at \$88 million and DPW revenues are estimated at approximately \$16 million.

Based on a conservative estimate which assumes that Federal and State funding sources would not be available for Muni capital costs, and as summarized in Attachment 2, approximately \$405.1 million in net revenues would flow to the City's General Fund. Another \$116.8 million of net revenues would be allocated to the DPW, Muni, and other City funds and \$5.2 million would accrue to the Unified School District over the 30-year study period of the Mission Bay project. Attachment 3 identifies the net revenues that would be received by the City, if traditional Federal and State funding sources are available to cover Muni's capital costs. Mr. Walter Streeter of Muni reports that Muni's current ten year

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capital Financial Plan assumes that Federal, State and local (1/2 cent sales tax) sources would continue to be available for capital purchases. As shown in Attachment 3, alternatively approximately \$451.6 million would be realized over the same 30-year period, an increase of approximately \$47 million. According to Mr. Kurt Fuchs of the Sedway Group, it is anticipated that the ongoing annual costs and revenues will continue to generate net positive revenues for the City after this 30-year period.

7. In summary, the entire Mission Bay Project in broad terms has net positive fiscal impact on the City in the total cumulative amount of \$405.1 million to \$452 million over the 30-year study period, as described above. However, three of the proposed resolutions (Files 98-1432, 98-1433 and 98-1434) would have a specific negative fiscal impact on the City. Two of these resolutions include the Tax Increment Allocation Pledge Agreement for Mission Bay North (File 98-1432), and for Mission Bay South (File 98-1433), which provide for the use of tax increment revenue and tax allocation bonds to finance the construction of the public infrastructure and affordable housing in each Plan Area. The public infrastructure of the North Plan Area is estimated at approximately \$25 million and the public infrastructure cost for the South Plan Area is \$120 million, for a total of \$145 million. The development of affordable housing is estimated to cost approximately \$250 million.

However, since there is not likely to be sufficient tax increment revenues at the outset of the development in each Plan Area to finance the public infrastructure improvements, the Redevelopment Agency will, at Catellus' request, establish one or more Community Facilities Districts (CFD). Under the CFD, special taxes would be levied on the private property in the Plan Area (primarily owned by Catellus). The CFD would then issue bonds to finance the necessary public infrastructure improvements.

These two proposed resolutions (Files 98-1432 and 98-1433) would approve Tax Increment Allocation Pledge Agreements between the City and the Redevelopment Agency for each Plan Area to issue bonded indebtedness up to \$190,000,000 in the North Area and \$450,000,000 in the South Area. Development in the North and South Plan Areas is projected to generate approximately \$685 million in Net Available Tax Increment revenues, including approximately \$220 million in the North Plan Area and \$465

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million in the South Plan Area. Once the City accepts the public infrastructure improvements from Catellus, the City will be responsible for the on-going maintenance and operation of the infrastructure. The additional street repair and maintenance costs are estimated at between \$23,000 and \$411,000 annually.

One other resolution (File 98-1434), which approves and authorizes a Land Donation Agreement between the City and the Regents of the University of California, for the contribution of approximately 11.89 acres of City-owned land to UC, at no cost to UC, is also anticipated to have fiscal impact on the City. The City previously authorized the contribution of approximately 1.34 acres of City-owned land to UC, for a total contribution of approximately 13.23 acres. Catellus would also donate an additional 29.27 acres to UC, at no cost to UC. Based on an independent appraiser's value of \$11 per square foot value, the 11.89 acres of land to be donated by the City to UC is worth \$5,697,208.

In addition, two of the proposed ordinances, the Amended City Land Transfer Agreement (CLTA) and the Amended Port Land Transfer Agreement (PLTA) (Files 98-1435 and 98-1436) and one resolution, a License Agreement with 1900 Third Street LLC (File 98-1501), would have positive fiscal impacts on the City. Under the CLTA, the City will convey approximately 22 acres of City-owned property to Catellus, and Catellus will convey approximately 39 acres of land to the City. Based on an outside independent appraisal, the City's property to be transferred is worth approximately \$10.5 million and the Catellus property that the City would receive is worth approximately \$18.7 million, resulting in the City receiving approximately \$8.2 million of greater value from this exchange.

Under the PLTA, the Port would convey approximately 25 acres to Catellus and Catellus will convey approximately 27 acres to the Port. The City's property to be transferred is valued at \$12 million, while the Catellus property to be transferred to the City is valued at \$25 million, such that the City would receive approximately \$13 million of greater land value.

The City and the Port would also agree to lease back to Catellus approximately 47 acres of the land transferred, until such time that it is needed for development of open space and streets, to partially compensate Catellus for the greater acreage Catellus is conveying to the City and to relieve the City of the costs and

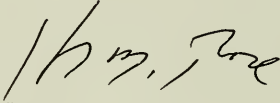
**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



liabilities associated with managing the property during the interim period. Even given the proposed leaseback arrangements, the City would still benefit by approximately \$2 million under the CLTA and approximately \$12,250,000 under the PLTA.

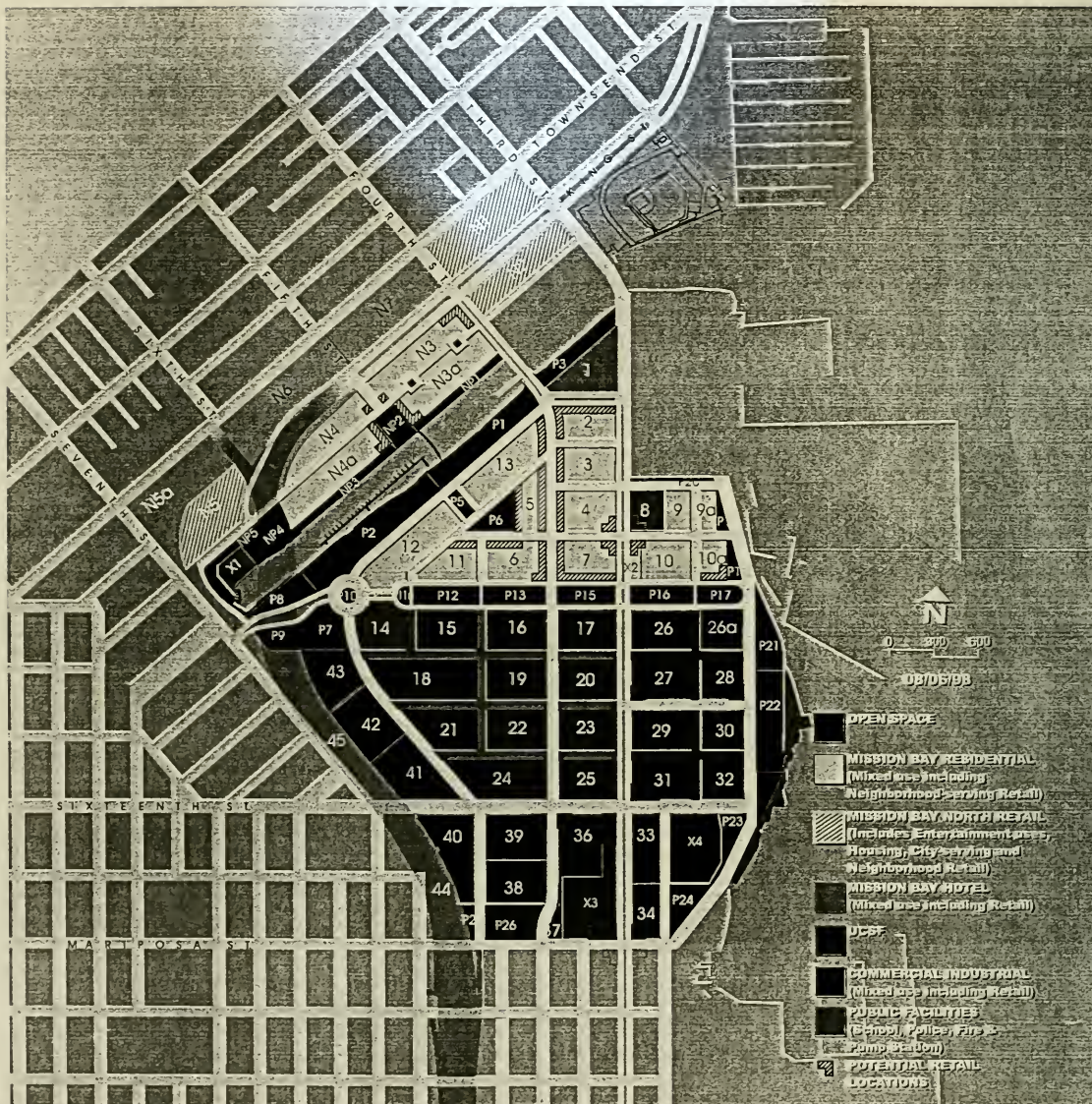
Finally, the License Agreement between the City and 1900 Third Street LLC (File 98-1501), would allow 1900 Third Street LLC to use former City street areas and Catellus property for ingress and egress of vehicles. Under this License Agreement, the City would receive \$2,485 per month for the approximately 20,710 square feet of space, beginning with the approval of the proposed resolution. It is anticipated that the City would receive these lease revenues until approximately February of 1999, or a total of approximately \$9,940 for four months, when the land transfers between the City and Catellus will occur, and Catellus would assume this license agreement.

**Recommendation:** Approval of the proposed ordinances and resolutions regarding the development of Mission Bay is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



## MISSION BAY LAND USE PLAN

JOHNSON FAIN PARTNERS

SAN FRANCISCO, CALIFORNIA

CATELLUS DEVELOPMENT CORPORATION



Exhibit 2  
MISSION BAY FISCAL IMPACT ANALYSIS  
CUMULATIVE NET FISCAL IMPACT  
ALL FUNDS  
TOTAL PROJECT  
EXCLUDING STATE AND FEDERAL FUNDING OF MUNI (1)  
Constant 1998 Dollars

	Five Year Total (1999-2003)	Ten Year Total (1999-2008)	Twenty Year Total (1999-2018)	Thirty Year Total (1999-2028)
NET FISCAL IMPACT - GENERAL FUND (1)	(22,549,641)	(4,425,644)	156,214,699	405,087,248
NET FISCAL IMPACT - OTHER FUNDS	4,548,312	21,047,131	53,756,703	88,183,557
NET FISCAL IMPACT - DPW	529,934	1,895,493	4,691,682	7,452,457
NET FISCAL IMPACT - MUNI	4,952,839	13,458,582	15,200,573	21,229,058
NET FISCAL IMPACT - SCHOOLS	5,619,249	3,631,139	7,271,639	5,163,905
<b>OVERALL FISCAL IMPACT - ALL FUNDS</b>	<b>(6,899,308)</b>	<b>35,606,700</b>	<b>237,135,296</b>	<b>527,116,225</b>

**Note:**

- (1) General Fund shows a negative during the initial five- and ten-year periods due to the conservative assumption that the General Fund will fund all of MUNI's \$48.5 million capital requirements. In reality, most of MUNI's capital costs will likely be funded through federal and state sources. Projected General Fund net fiscal impact taking into account the likely federal and state funding of MUNI capital costs is \$9.3, \$42.0, \$202.7, and \$451.5 million for the cumulative 5, 10, 20 and 30 year periods, respectively. See Exhibit 1.

See Appendices for important notes, assumptions, and sources.

**Exhibit 1**  
**MISSION BAY FISCAL IMPACT ANALYSIS**  
**CUMULATIVE NET FISCAL IMPACT**  
**ALL FUNDS**  
**TOTAL PROJECT**  
**INCLUDING STATE AND FEDERAL FUNDING OF MUNI (1)**  
*Constant 1998 Dollars*

	Five Year Total (1999-2003)	Ten Year Total (1999-2008)	Twenty Year Total (1999-2018)	Thirty Year Total (1999-2028)
NET FISCAL IMPACT - GENERAL FUND	9,291,359	42,041,356	202,681,699	451,554,248
NET FISCAL IMPACT - OTHER FUNDS	4,548,312	21,047,131	53,756,703	88,183,557
NET FISCAL IMPACT - DPW	529,934	1,895,493	4,691,682	7,452,457
NET FISCAL IMPACT - MUNI (1)	4,952,839	13,458,582	15,200,573	21,229,058
NET FISCAL IMPACT - SCHOOLS	5,619,249	3,631,139	7,271,639	5,163,905
<b>OVERALL FISCAL IMPACT - ALL FUNDS</b>	<b>24,941,692</b>	<b>82,073,700</b>	<b>283,602,296</b>	<b>573,583,225</b>

**Note:**

(1) Assumes MUNI capital costs, totaling \$46.5 million for extending light rail and trolley bus service to Mission Bay, are funded through federal and state sources, as has historically been the case and as indicated in MUNI's Third Street Light Rail Project DEIR/DEIS.

See Appendices for important notes, assumptions, and sources.

Attachment 4

## Third Party Private Owners

<u>Owner</u>	<u>Assessor Block/Lot</u>	<u>Land Area</u>
1) Potter Electric Inc.	3837/012	0.21± acres
2) Harms Land Co.	3837/006	0.28 acres
3) Ares Commercial Properties	3837/007 & 3841/002	0.30 acres 0.05 acres
4) Esprit DeCorp	3940/001	3.76 acres
5) 1900 Third St., LLC	3992/003	4.43 acres

Total

9.03 acres

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TOTAL P.10







City and County of San Francisco  
Meeting Minutes - DRAFT  
Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

Clerk: Gail Johnson

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401 Van Ness Avenue,  
Room 308  
San Francisco, CA  
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Wednesday, October 14, 1998

10:00 AM

Veterans Building, Legislative Chamber  
401 Van Ness Ave., Room 404  
San Francisco, CA 94102

Special Meeting

Members Present: Michael Yaki, Leslie Katz, Mark Leno.

981375 [Diesel Bus Purchase]

Resolution approving assignment of amendment to agreement for purchase of 45 diesel buses and associated equipment and spare parts as a cooperative buying agreement between the City, AC Transit and North American Bus Industries. (Public Transportation Commission)

8/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

RECOMMENDED by the following vote:

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

981426 [Mission Bay FSEIR]

Supervisor Yaki

Motion affirming the certification of the Final Subsequent Environmental Impact Report for the Mission Bay North and Mission Bay South Redevelopment Plans by the Planning Commission.

8/24/98, ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee*

RECOMMENDED by the following vote:

Ayes: 3 - Yaki, Katz, Leno

981427 [CEQA Findings]

Supervisor Yaki

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act and State Guidelines in connection with adoption of the Mission Bay North and Mission Bay South Redevelopment Plans and various other actions necessary to implement such plans.

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

10/7/98, TRANSFERRED to Finance Committee. A specially constituted Finance Committee, consisting of Supervisors Yaki, Katz and Leno.

*Heard in Committee.*

*Amendment of the Whole presented by Supervisor Yaki.*

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981428 [General Plan Amendment, Mission Bay] Supervisor Yaki**

Ordinance rescinding the Mission Bay Plan and approving amendments to the San Francisco General Plan.

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

*Heard in Committee.***RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981429 [Planning Code Amendment, Mission Bay] Supervisor Yaki**

Ordinance amending Planning Code by amending Section 901, and figures 1 and 3 of Article 9, and adopting findings pursuant to Planning Code Section 101.1.

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

*Heard in Committee.***RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981430 [Zoning Map, Mission Bay] Supervisor Yaki**

Ordinance amending zoning map of the City and County of San Francisco for property located in Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, to delete the height and use district classifications to a cross-reference to the Mission Bay North and Mission Bay South Redevelopment Plans and adopting findings pursuant to Planning Code Section 101.1.

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

10/7/98, CLERICAL CORRECTION. Clerically corrected at the request of the City Attorney to amend title to insert "height and" before "use district"..

*Heard in Committee.***RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981431 [Subdivision Code Amendment, Mission Bay] Supervisor Yaki**

Ordinance amending Subdivision Code by adding the Mission Bay Subdivision Code to provide for processing of subdivision and parcel maps in the Mission Bay area, generally bounded by Townsend Street, Seventh Street and Interstate 280, Mariposa Street, Terry A. Francois Boulevard and Third Street, and adopting findings pursuant to Planning Code Section 101.1.

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

*Heard in Committee.*

*Amendment of the Whole presented by Supervisor Yaki.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**RECOMMENDED AS AMENDED by the following vote:**

**Ayes: 3 - Yaki, Katz, Leno**

**981432 [Mission Bay North Tax Allocation Agreement] Supervisor Yaki**

Resolution approving and authorizing a tax increment allocation pledge agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, concerning the pledge of net available tax increment from the Mission Bay North Plan Area for the purpose of financing public infrastructure in furtherance of the implementation of the Redevelopment Plan for the Mission Bay North project and for development of affordable housing in the Mission Bay North and South Plan Areas; authorizing and approving the incurrence of bonded indebtedness by the Redevelopment Agency not to exceed \$190,000,000 for such purposes; approving the use of available housing increment produced in the Mission Bay North Plan Area for the development of affordable housing on parcels to be contributed to the Redevelopment Agency; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1.  
(Fiscal impact.)

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

10/7/98, TRANSFERRED to Finance Committee. A specially constituted Finance Committee, consisting of Supervisors Yaki, Katz and Leno.

*Heard in Committee.*

**RECOMMENDED by the following vote:**

**Ayes: 3 - Yaki, Katz, Leno**

**981433 [Mission Bay South Tax Allocation Agreement] Supervisor Yaki**

Resolution approving and authorizing a tax increment allocation pledge agreement between the City and County of San Francisco and the Redevelopment Agency of the City and County of San Francisco, concerning the pledge of net available tax increment from the Mission Bay South Plan Area for the purpose of financing public infrastructure in furtherance of the implementation of the Redevelopment Plan for the Mission Bay South project and for the development of affordable housing in the Mission Bay North and South Plan Areas; authorizing and approving the incurrence of bonded indebtedness by the Redevelopment Agency not to exceed \$450,000,000 for such purposes; approving the use of all available housing increment produced in the Mission Bay South Plan Area for the development of affordable housing on parcels to be contributed to the Redevelopment Agency; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the agreement is consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1.  
(Fiscal impact.)

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

10/7/98, TRANSFERRED to Finance Committee. A specially constituted Finance Committee, consisting of Supervisors Yaki, Katz and Leno.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

**981434 [Land Donation Agreement, UCSF Campus] Supervisor Yaki**

Resolution approving and authorizing a land donation agreement between the City and County and the Regents of the University of California, for the contribution to the Regents, at no transfer price of approximately 11.89 acres of City-owned present and former street areas, for the development of a new UCSF expansion campus in Mission Bay South; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of the Planning Code Section 101.1.  
(Fiscal impact.)

8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

9/14/98, SUBSTITUTED.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

10/7/98, TRANSFERRED to Finance Committee. A specially constituted Finance Committee, consisting of Supervisors Yaki, Katz and Leno.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

- 981435** [Mission Bay City Land Transfer Amendment] **Supervisor Yaki**  
Ordinance approving and authorizing the amendment and restatement of the Mission Bay land transfer agreement between the City and County, including its Port Commission, and Catellus Development Corporation; approving and authorizing the Catellus lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight priority policies of the Planning Code Section 101.1.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.  
9/14/98, SUBSTITUTED.  
9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.  
*Heard in Committee.*  
**RECOMMENDED** by the following vote:  
Ayes: 3 - Yaki, Katz, Leno
- 981436** [Mission Bay Port Land Transfer Amendment] **Supervisor Yaki**  
Ordinance approving and authorizing the amendment and restatement of the Mission Bay Port Land Transfer Agreement between the City and County, through its Port Commission, and Catellus Development Corporation; approving the Agency lease and the Catellus lease in connection therewith; approving indemnities and releases by the City in connection with the transactions contemplated by such documents; adopting environmental findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.  
9/14/98, SUBSTITUTED.  
9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.  
*Heard in Committee.*  
**RECOMMENDED** by the following vote:  
Ayes: 3 - Yaki, Katz, Leno
- 981437** [Public Trust Agreement Amendment, Mission Bay] **Supervisor Yaki**  
Ordinance approving and authorizing the amendment and restatement of the agreement concerning the public trust for Mission Bay, among the City and County, including its Port Commission, the State of California and Catellus Development Corporation; adopting findings that certain transfers of land contemplated by such agreement are authorized by and consistent with the provisions of state legislation set forth in Chapter 1143 of the Statutes of 1991, as amended by Chapter 86 of the Statutes of 1992 and Chapter 203 of the Statutes of 1997; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such agreement is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.  
9/14/98, SUBSTITUTED.  
9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.  
*Heard in Committee.*  
**RECOMMENDED** by the following vote:  
Ayes: 3 - Yaki, Katz, Leno



- 981438 [Administrative Jurisdiction, Mission Bay] Supervisor Yaki  
Resolution approving and authorizing the transfer of administrative jurisdiction over certain property in Mission Bay South described as the city facilities parcel, from which the Burton Act Trust and Public Trust shall be removed in connection with the closing of the land transfer agreements, from the Port Commission to the Director of Administrative Services; approving jurisdiction over certain Mission Bay land transfer parcels in the Port; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such transfer of jurisdiction is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.  
9/14/98, SUBSTITUTED.  
9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.  
*Heard in Committee.*  
**RECOMMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981439 [Mission Bay Transportation Projects Agreement]] Supervisor Yaki  
Resolution approving and authorizing the termination of the Mission Bay Transportation Projects Agreement between the City and County and Catellus Development Corporation; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that such action is consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.  
9/14/98, SUBSTITUTED.  
9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.  
*Heard in Committee.*  
**RECOMMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981500 [CCSF v. All Persons - Mission Bay Project Area] Supervisor Yaki  
Ordinance authorizing settlement with defendant 1900 Third Street, LLC in litigation of City and County of San Francisco v. All Persons.  
(Superior Court No. 44492.)  
9/14/98, ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
*Amendment of the Whole presented by Supervisor Yaki.*  
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**  
  
**RECOMMENDED AS AMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno



**981501 [License Agreement - 1900 Third Street LLC]****Supervisor Yaki**

Resolution approving license agreement with 1900 Third Street LLC relating to use of former City streets within the Mission Bay Development Project Area; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the license is consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1.

9/14/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/14/1998.

*Hearing in Committee.*

*Amendment of the Whole presented by Supervisor Yaki.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**RECOMMENDED AS AMENDED** by the following vote:

**Ayes: 3 - Yaki, Katz, Leno**

**LEGISLATION UNDER THE 30-DAY RULE**

*Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

**981599 [Contract Amendment and Restatement - JCDeCaux]**

Ordinance approving the First Amended and Restated Automatic Public Toilet and Public Service Kiosk Agreement between the City and County of San Francisco and JCDeCaux San Francisco (formerly JCDeCaux United Street Furniture, Inc.) which allows for the expansion of the Automatic Public Toilet Program beyond the trial phase and amends the agreement in several other respects. (Department of Public Works)

9/23/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

9/29/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/28/1998.

**Watch future agendas for matters.****IMPORTANT INFORMATION**

*NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Economic Development, Transportation and Technology Committee, San Francisco Board of Supervisors, 401 Van Ness Avenue, Room 308, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.*

**Adjournment**



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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

October 16, 1998

TO: Economic Development, Transportation and Technology Committee

FROM: Budget Analyst *Recommendations for meeting of*

SUBJECT: October 20, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 1 - File 98-1532

Department: Bureau of Energy Conservation  
Parks and Recreation Department

Item: Resolution authorizing the General Manager of the Public Utilities Commission and the General Manager of the Department of Parks and Recreation to accept and expend a grant of \$75,000 from the California Energy Commission for projects resulting in energy savings.

Grant Amount: \$75,000

Grant Period: November 1, 1998 through June 30, 1999 (7 months)

Source of Funds: U.S. Department of Energy's Petroleum Violation Escrow Account

Project: Presidio Sustainable Technology Demonstration Center

Description: The Public Utilities Commission (PUC) is collaborating with the Center for Resource Solutions (CRS), a non-profit organization, to develop a renewable energy and energy efficiency demonstration center at the Presidio. The

proposed Presidio Sustainable Technology Demonstration Center would promote public awareness of energy efficiency and renewable energy technologies and practices through exhibits, workshops and conferences.

According to Mr. John Deakin, the Director of the PUC's Bureau of Energy Conservation, the CRS would integrate the above-noted activities with its own program activities related to energy efficiency and renewable energy technologies and practices. However, Mr. Deakin reports that an advisory committee would be formed to advise the CRS on the planning and development of the proposed Presidio Sustainable Technology Demonstration Center. Such committee would be comprised of nine to twelve members, appointed by the CRS, including representatives from the energy industry, environmental and sustainable development organizations, the California Energy Commission, the Presidio Trust, the National Park Service, the CRS, and the City.

According to Mr. Deakin, Senate Bill 368 made available appropriations from the U.S. Department of Energy's Petroleum Violation Escrow Account (PVEA) to the California Energy Commission for projects that are mandated by the State Legislature and that result in energy savings for the people of California. Mr. Deakin reports that PVEA grant funds were subsequently allocated by the State Legislature to the CRS for the planning and development of the proposed Presidio Sustainable Technology Demonstration Center. However, Mr. Deakin points out that the PVEA program requires that PVEA grant funds be allocated by the California Energy Commission to local government agencies.

Approval of the proposed resolution would authorize the General Manager of the PUC and the General Manager of the Recreation and Park Department (RPD) to accept and expend \$75,000 in grant funding from the U.S. Department of Energy's Violation Escrow Account, through the California Energy Commission, on behalf of the Center for Resource Solutions for the proposed Presidio Sustainable Technology Demonstration Center (see Comment No. 1).

**Budget:** Attachment I, provided by Mr. Deakin, contains a budget of \$75,000 for the proposed project.

**Required Match:** None.

**Indirect Costs:** According to Mr. Deakin, in order to avoid a reduction in the total amount of grant funds available to the Bureau of Energy Conservation, the proposed legislation provides for a waiver of the indirect costs associated with the Presidio Sustainable Technology Demonstration Center project. Mr. Deakin reports that any such indirect costs will be paid to the General Fund from PUC revenues through the County Wide Cost Allocation Plan.

**Comments:** 1. The proposed resolution cites both the PUC and the RPD as recipients of the subject grant funding. According to Mr. Deakin, this complication arises out of an error in the original State legislation which incorrectly names the RPD as the grant recipient. In order to rectify this error, Mr. Deakin and Mr. Joel Robinson of the RPD explain that the RPD has agreed to receive the subject grant funds of \$75,000 from the California Energy Commission and sub-award such grant to the PUC, on behalf of the CRS, for the purpose of funding the proposed Presidio Sustainable Technology Demonstration Center.

2. In August of 1997, the Public Utilities Commission approved a resolution (Resolution No. 97-0219) authorizing the General Manager of the PUC to apply for, accept and expend funds not to exceed \$500,000 in grant funding from the U.S. Department of Energy's Petroleum Violation Escrow Account.

3. Attachment II is a summary of grant application information, as prepared by the PUC, for the proposed grant funds.

4. The PUC has prepared a Disability Checklist for the proposed grant funds, which is on file with the Clerk of the Board of Supervisors.

**Recommendation:** Approve the proposed resolution.

BOARD OF SUPERVISORS  
BUDGET ANALYST

**Center for Resource Solutions  
1998 PVEA/Demonstration Center Budget**

Budget Item	Total		
	Hourly	Hours	Costs
Staff/Salary	Rate		
Executive Director	50	240	12000
Project Coordinator	25	240	6000
Total Hours/Salary		480	18000
Fringe (Employee benefits)			7920
Expenses			
Contracts			43200
Travel			900
Phone/Fax/E-mail			900
Copying/Printing			900
Office Supplies			780
Support Services			2400
Total Expenses			49080
Total Costs			\$75,000
Contracts			
Katie McCormack - Project Manager - Demonstration Center facility and program development			
Other Expenses			
Travel - estimate for travel to meetings with CEC and other Demonstration Center collaborators			
Phone/Fax/E-mail - estimate for communications with stakeholders and advisory committee members			
Copying/Printing - estimate for communications with stakeholders and advisory committee members			
Office Supplies - routine supplies			
Support Services - clerical support			



**Grant Application Information Form**

A document required to accompany a proposed resolution  
Authorizing a Department to Accept & Expend Grant Funds

To: **The Board of Supervisors**  
**Attn. Clerk of the Board**

The following describes the grant referred to in the accompanying resolution:

1. Department: Public Utilities Commission
2. Contact Person: John Deakin Telephone: 554-3175
3. Project Title: Presidio Sustainable Technology Demonstration Center
4. Grant Source Agency: California Energy Commission
5. Type of Funds: ☐ Federal ☒ Federal-State (Pass-Through) ☐ State ☐ Local ☐ Private  
Petroleum Violation Escrow Account
6. Proposed (New / Continuation) Grant Project Summary:

Grant funds will be used to support planning for a Presidio Sustainable Technology Demonstration Center. The Center is envisioned to be a learning center and business promotion facility encouraging the use of clean energy technologies. Its activities will focus on improving the quality of life through educational programs and implementation of sustainable energy practices.

7. Amount of Grant Funding Applied for: \$75,000.00
8. Maximum Funding Amount Available: same
9. Required Matching Funds? Yes: ☐ No: ☒ / Cash or In-kind? \_\_\_\_\_

If yes, list dollar amount and identify source of Matching Funds in Department Budget:

\_\_\_\_\_

10. Number of new positions created and funded: None
  11. If new positions are created, explain the disposition of employees once the grant ends? N/A
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. Are indirect costs eligible costs for this grant? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, please identify the amount of \$ in indirect costs? \_\_\_\_\_

13. Amount to be spent on contractual services: \_\_\_\_\_

14. a.) Will contractual services be put out to bid? No

b). If so, will contract services help to further the goals of the department's MBE/WBE requirements? \_\_\_\_\_

15. Is this likely to be a one-time or ongoing request for contracting out? No

16. Term of Grant: Start-Date: \_\_\_\_\_ End-Date: \_\_\_\_\_

17. Date Department Notified of Available Funds: \_\_\_\_\_

18. Grant Application Due Date: \_\_\_\_\_

19. Grant Funding Guidelines and Options (selected from RFP, grant announcement or appropriations legislation):

20. Department Head Approval: JOHN DEAKIN DIRECTOR  
(Name) (Title)

[Signature]  
(Signature)

Item 2 – File 98-1598

**Department:** Private Industry Council (PIC)

**Item:** Resolution authorizing the Private Industry Council of San Francisco, Inc. to accept and expend approximately \$550,000 of refugee funds for an elderly refugee project in line with San Francisco's Federal Fiscal Year 1998 Refugee County Plan (PIC Refugee County Plan for fiscal year 1998, Resolution No. 549-98).

**Grant Amount:** \$550,000

**Grant Period:** October 1, 1998 - September 29, 1999 (1 year)

**Source of Funds:** Federal Office of Refugee Resettlement, allocated to the City through the State Department of Social Services

**Program:** San Francisco Senior Refugee Services Project

**Description:** The PIC, a non-profit organization, administers Federal Office of Refugee Resettlement Grant funds on behalf of the City to provide services to low-income refugees. The PIC's San Francisco Senior Refugee Services Project (SFSRSP) would assist refugees aged 63 and older in becoming United States citizens and attaining long-term self-sufficiency through improved access to information and services. PIC has selected six non-profit sub-contractors to provide the direct services to elderly refugees. The proposed \$555,000 in grant funds for FY 1998-99 represent the second year of funding for the SFSRSP.

**Budget:** Attachment I provided by the PIC contains a budget for the \$550,000 in grant funds, including a list of the six non-profit service providers and their respective allocations, and the PIC administrative budget.

**Required Match:** None

**Indirect Costs:** The proposed resolution provides for a waiver of indirect costs because the Federal Office of Refugee Resettlement does not allow indirect costs.

BOARD OF SUPERVISORS  
BUDGET ANALYST

**Comments:**

1. According to Ms. Karen Hart of the PIC, the PIC did not issue a Request for Proposals (RFP) to non-profit employment and training service providers for the delivery of the proposed elderly refugee services. The six non-profit service providers listed in Attachment I were selected on a sole source basis because of their expertise in working with specific refugee populations and/or the aging and with the San Francisco Naturalization Project, according to Ms. Hart. According to Ms. Hart, these service providers were included in the original proposal to the Office of Refugee Resettlement.

2. The total PIC administration budget of \$55,000 is 10 percent of the total grant. These funds will be used for staff salaries and fringe benefits, allocated overhead for PIC management staff, and various operating expenses.

3. Ms. Hart reports that the PIC entered into a grant agreement with the Federal Office of Refugee Resettlement and incurred expenses against the proposed grant funds prior to obtaining approval from the Board of Supervisors. Therefore, the proposed resolution should be amended to provide the PIC with retroactive approval to accept and expend the subject grant funds.

4. Attachment II is a Grant Application Information Form, prepared by the PIC, for the proposed grant funds.

5. The PIC has prepared a Disability Access Checklist for the proposed grant, which is on file with the Clerk of the Board.

**Recommendation:** Amend the proposed resolution to provide for retroactivity, and approve the resolution as amended.

## ELDERLY REFUGEE GRANT SECOND YEAR FUNDING

ORGANIZATION	ALLOCATION	TARGET GROUPS
International Institute	\$70,000	Russians & others
Self-Help for the Elderly	\$20,400	S.E.Asians
La Raza Centro Legal	\$20,000	Cubans & others
Richmond Area Multi-Services	\$88,400	Russians & S.E. Asians
Nihonmachi Legal Outreach	\$91,200	S.E. Asians
Jewish Family & Children's Services	\$205,000	Russians
Total	\$495,000	
PIC Administrative Budget		
Staff Salaries & Fringe Benefits (80%)	\$44,000	
Allocated Overhead (16%)	\$8,800	
Direct Charges* (4%)	\$2,200	
Grand Total	\$550,000	

\*includes printing, reproduction, computer, travel, materials, supplies, and audit expenses.

File Number: \_\_\_\_\_

**Grant Application Information Form**

A document required to accompany a proposed resolution  
Authorizing a Department to Accept & Expend Grant Funds

To: **The Board of Supervisors**  
**Attn. Clerk of the Board**

The following describes the grant referred to in the accompanying resolution:

1. Department: **Private Industry Council of San Francisco, Inc.**
2. Contact Person: **Steve Arcelona** Telephone: **(415) 431-8700**
3. Project Title: **San Francisco Senior Refugee Services Project (SFSRSP)**
4. Grant Source Agency: **Federal Office of Refugee Resettlement (ORR)**
5. Type of Funds: ☒ Federal ☐ Federal-State (Pass-Through) ☐ State ☐ Local ☐ Private
6. Proposed (New/Continuation) Grant Project Summary:

With this second year funding, the SFSRSP will continue to serve elderly refugees on SSI by assisting them to become US citizens and enabling them to attain long-term self sufficiency through improved access to information and services.

7. Amount of Grant Funding Applied for: .....\$550,000.00
8. Maximum Funding Amount Available: .....\$550,000.00
9. Required Matching Funds: Yes: ☐ No: ☒ / Cash or In-Kind? ☐

If yes, list dollar amount and identify source of Matching Funds in Department Budget:

10. Number of new positions created and funded: .....None

11. If new positions are created, explain the disposition of employees once the grant ends?



12. Are indirect costs eligible for this grant? Yes: \_\_\_\_ No: X

If yes, please identify the amount of \$ in indirect costs?

13. Amount to be spent on contractual services: ..... \$495,000.00

14. a.) Will contractual services be put out to bid? ..... No,  
Subcontractors were included in the proposal

b.) If so, will contract services help to further the goals of the department's  
MBE/WBE requirements?

15. Is this likely to be a one-time or ongoing request for contracting out? **One time request**

16. Term of Grant Start Date: 10/1/98 End Date: 9/29/99

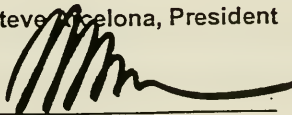
17. Date Department Notified of Available Funds: ..... **September 21, 1998**

18. Grant Application Due Date: N/A .....

19. Grant Funding Guidelines and Options (Selection from RFP, grant announcement or appropriations legislation):

The grant award announcement specified that elderly refugee grant programs should focus on helping refugees 63 years and older to become citizens and to access aging related services.

20. Department Head Approval: **Steve Lancelona, President**

  
(Signature)



Item 5 – File 98-1533

**Department:** Mayor's Office  
Emergency Communications Department (ECD)  
Department of Real Estate (DRE)

**Item:** Resolution authorizing the first amendment to the license agreement with AT&T Communications, Inc. at AT&T's Bernal Heights facility at 99 Moultrie Street for the City's 800MHz Radio Project.

**Description:** In August of 1997, the Board of Supervisors approved a resolution (File No. 172-97-53), which authorized the Director of Property to enter into lease or license agreements with six organizations for their facilities to be used for the City's 800 MHz Radio System Project. Of these six agreements, one was a new lease agreement with AT&T Communications, Inc. (AT&T) to house an unspecified number of antennas and bays<sup>1</sup> of radio equipment at AT&T's Bernal Heights facility at 99 Moultrie Street.

The City's 800 MHz Radio System Project, consisting of a new Citywide 800 MHz trunked radio system and 800 MHz wireless data transmission system, would replace most of the City's existing conventional radio systems and integrate with the City's existing 800 MHz radio system. Mr. Mitchell Sutton of the Emergency Communications Department (ECD) estimates that this project will be operational in November of 1999.

As noted above, the Director of Property was authorized by the Board of Supervisors to enter into a new "lease" agreement with AT&T. However, according to Mr. Jerry Romani of the Department of Real Estate (DRE), based on the DRE's negotiations with AT&T, a first amendment to a "license" agreement<sup>2</sup> with AT&T, which expired on February 28, 1998, is now being proposed. Under that license agreement, AT&T housed 11 City-owned antennas

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<sup>1</sup> A bay is an electronic device that amplifies radio signals and transmits them to their intended locations.

<sup>2</sup> According to Mr. Robert Bryant of the City Attorney's Office, generally a "license" agreement confers to the licensee only the right to use the premises, whereas a "lease" agreement gives the tenant exclusive possession and use of the premises.

and 9 City-owned bays of radio equipment at AT&T's Bernal Heights facility.

Approval of the proposed resolution would authorize the Director of Property, on behalf of the City, as licensee, to execute a first amendment to the license agreement with AT&T Communications, Inc., as licensor, to allow the City to house 6 additional antennas and 12 additional bays of radio equipment at AT&T's Bernal Heights facility at 99 Moultrie Street (see Comment No. 1).

The original provisions of the license agreement with AT&T included: (1) as previously noted, AT&T housed 11 City-owned antennas and 9 City-owned bays of radio equipment at AT&T's Bernal Heights facility; (2) the City paid an annual license fee of \$4,000 to AT&T; and, (3) the license agreement had a five year term which began on March 1, 1993 and expired on February 28, 1998.

The proposed first amendment to the license agreement with AT&T would renew such agreement for a five-year period retroactively to March 1, 1998 through February 28, 2003.

For each year of the renewed five year license agreement, the City would pay to AT&T an annual license fee of \$16,158, or \$12,158 more per year than the prior annual license fee of \$4,000. However, \$8,640 of the proposed annual license fee pertains to electric power usage as noted below and explained in the attached memo, provided by Mr. Romani.

Of the annual license fee of \$16,158, \$8,640 or approximately 53 percent, is for annual electric power usage by the City at AT&T's Bernal Heights facility. According to Mr. Romani, under the original five-year term of the license agreement, the Pacific Gas & Electric Company (PG&E) supplied electrical power to the City's radio equipment at AT&T's Bernal Heights facility. However, in order for PG&E to accommodate the City's proposed additional radio equipment at AT&T's site, the City would have to pay (1) a one-time charge, estimated at \$58,000, to PG&E, for upgrading costs to PG&E's electrical system at AT&T's site and (2) a one-time

**BOARD OF SUPERVISORS**  
BUDGET ANALYST

charge, estimated at \$82,000, for the installation of a back-up generator at AT&T's site by the Motorola Corporation. To avoid the above-noted system upgrading and back-up generator costs, according to Mr. Romani, the proposed legislation includes a provision for the City to purchase electrical power and obtain a back-up generator directly from AT&T, rather than from PG&E and the Motorola Corporation.

In addition, the proposed first amendment to the license agreement with AT&T would require the City to pay a one-time charge, estimated at \$45,000, to AT&T for (a) the installation costs of the City's 6 additional antennas and (b) the modification costs to AT&T's main electric power panel that provides electrical power to the City's radio equipment on AT&T's site. Mr. Sutton reports that the installation costs associated with the City's 12 additional bays of radio equipment would be covered under a separate contract with the Motorola Corporation.

**Comments:**

1. Mr. Romani advises that if the proposed resolution is approved, the City would have a total of 17 antennas (11 existing and 6 new antennas) and a total of 21 bays (9 existing and 12 new bays) stationed at AT&T's Bernal Heights facility.

2. According to Mr. Sutton, if the proposed resolution is approved, the annual license fee of \$16,158 would be paid from ECD's annual budget beginning in FY 1998-99 through FY 2002-03, while the one-time installation and modification costs of \$45,000 would be funded by monies from previously approved 1993 Proposition H lease revenue bonds (File No. 170-97-11).

3. Following the expiration date of the renewed five-year license agreement, as of March 1, 2003, the license agreement would be automatically renewed each year for an indefinite period of time, without subsequent approval by the Board of Supervisors. However, according to the proposed resolution, subsequent annual renewals of the license agreement will require appropriation approval by the Board of Supervisors. The proposed resolution does not specify the annual license fee amount for the automatic renewable periods.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

**Recommendation:** Approval of the proposed resolution is a policy matter for the Board of Supervisors.



## City and County of San Francisco

## Real Estate Department

Office of the  
Director of Property

## MEMORANDUM

October 2, 1998

TO: Gabriel Cabrera  
Budget Analyst's Office

FROM: Jerry Romani *JR*  
Principal Real Property Officer

RE: Increase in 800 MHz Project Annual License Fee  
with AT&T at the Bernal Heights Facility

This memorandum is in response to your request for a written statement as to the increase in the amount of the annual license fee charged for the initial license with AT&T during the period 3/1/93 through 2/28/98 versus the annual license fee for the first amendment to license agreement for the 5-year period commencing 3/1/98.

The initial license had a fixed annual fee of \$4,000 for the entire 5-year period. The new annual fee of \$16,158, which is also fixed for a 5-year period, contains a \$8,640 charge for City's estimated annual usage of AT&T electrical power for City radio equipment at the facility. Deducting the \$8,640 charge from the \$16,158 all-inclusive fee yields an annual fee of \$7,518 or an increase of \$3,518 per year. The new fee, which commences 5 years after the initial fee, and permits City to add 6 antennas to the current 11 antennas for a total of 17 antennas and increase the radio bays in the equipment room from 9 to 21 bays, falls within an acceptable range for such telecommunication sites.



Item 6 - File 98-1496

**Department:** Police Department

**Item:** Resolution authorizing the Chief of Police to execute a hold harmless provision in a license agreement with the United States Coast Guard concerning the docking of a motor-life vessel, or lifeboat, at Yerba Buena Island.

**Description:** According to Officer Danny Lopez of the Police Department, the Department's Air-Marine Support Unit has jurisdiction over approximately 62 square miles of San Francisco County waters in San Francisco Bay. The Department currently patrols these waters with a 27-foot boat that is docked at the South Beach Marina and that has, according to Officer Lopez, reached the end of its useful life.

Through a Federal Department of Defense program designed to provide surplus Federal property to local law enforcement agencies, the Police Department obtained a gift of a 47-foot motor-life vessel from the United States Coast Guard, approved by the Board of Supervisors (File 98-1530). This vessel would replace the Police Department's existing smaller vessel used for patrol and law enforcement activities, according to Officer Lopez. According to Officer Lopez, the motor-life vessel is currently docked at the United States Coast Guard's San Francisco Station, located on Yerba Buena Island. According to Anne Marie Conroy of the Treasure Island Development Authority, the Coast Guard will retain ownership of this station after the transfer of ownership of the southern portion of Yerba Buena Island and Treasure Island from the United States Navy to San Francisco.

Under the license agreement, the United States Coast Guard would authorize a five-year license to dock the motor-life vessel at the current Yerba Buena Island Station at no cost to the City. According to Deputy City Attorney Margaret Baumgartner, the license agreement itself is not subject to Board of Supervisors approval. However, the Coast Guard requires that the City incorporate a hold harmless provision in the license

**BOARD OF SUPERVISORS**  
BUDGET ANALYST

agreement. According to Ms. Baumgartner, the hold harmless provision to be included in the license agreement must be approved by the Board of Supervisors. The proposed resolution would therefore authorize the Chief of Police to include the hold harmless provision in the license agreement as required by the Coast Guard.

**Comments:**

1. The proposed license agreement between the City and the Coast Guard contains the hold harmless provision (see Attachment) which would hold the United States, the Coast Guard, its officers, agents, servants and employees, harmless from liability occurring as a result of the City's use of the Coast Guard Station to dock the motor-life vessel.

2. The hold harmless agreement would continue for the proposed five-year term of the license agreement between the City and the Coast Guard. According to Officer Lopez, the Coast Guard will allow the City to extend the license agreement after the initial five-year term.

3. According to Ms. Baumgartner, the City would incur potential liability in docking the motor-life vessel at the Coast Guard Station at Yerba Buena Island. For example, according to Ms. Baumgartner, such liability might arise from accidents involving the motor-life vessel or from the unauthorized use of the Coast Guard's dock. However, according to Ms. Baumgartner, assuming that the City must enter into the proposed license agreement with the Coast Guard to provide adequate police services in County waters, approval of the proposed hold harmless agreement as part of the license agreement would not increase the City's potential liability in docking the motor-life vessel at the Coast Guard Station at Yerba Buena Island.

4. The proposed resolution incorrectly refers to the Coast Guard's San Francisco Station as being located at Treasure Island. According to Ms. Conroy, the Coast Guard Station is located at Yerba Buena Island.

**Recommendations:**

1. Amend the proposed resolution to substitute Yerba Buena Island for Treasure Island as the proposed docking location for the motor-life vessel.

**BOARD OF SUPERVISORS**  
BUDGET ANALYST

2. Approval of the proposed resolution, as amended, is a policy matter for the Board of Supervisors.

interference is punishable under 33 Code of Federal Regulations (CFR) Part 70.01, as amended.

- 2) Any interference with the LICENSOR operations or access rights.
- 3) The removal of any LICENSOR property from the premises.
- 4) Any activities while on the installation that involve the solicitation of funds for private or commercial interests, including fund raising for nonprofit organizations and causes.
- 5) Any controlled substances to be brought unto the installation, nor may any controlled substances be possessed, used, solicited, transferred, or sold on the installation.
- 6) Any alcoholic beverages to be brought unto the installation, without the express written permission of the LICENSOR.

14. Notice of Potential Hazards.

a. The following hazards may be associated with the use of the facility by the LICENSEE

- 1) High power electronic transmitting devices that emit electric-magnetic (radio waves) of various frequencies.
- 2) The operation and maintenance of LICENSOR vessels.
- 3) The facility may have various sports fields on it, such as baseball/softball fields. While in the vicinity of these fields, there is an inherent danger of individuals and vehicles being hit by balls from the playing fields

b. The use of the described, or similar, devices and the hazardous facilities in the vicinity or along the access routes to the licensed facilities are dictated by the weather conditions, operational requirements, and safety concerns. Their use can not be delayed or otherwise affected because of the LICENSEE's use of the facilities.

c. The LICENSEE shall advise its officers, employees, contractors, agents, and guests and the participants in its activities of the potential hazards.

15. Liability. The LICENSEE shall be liable for any loss of, or damage to, the premises or facilities incurred as a result of its use and shall make such restoration or repair, or monetary compensation as may be directed by the LICENSOR.

16. Indemnification.

a. LICENSEE shall indemnify and hold harmless the United States, the Coast Guard, its officers, agents, servants and employees, from all liability they may be liable for any tortuous acts, under the Federal Tort Claims Act as amended (28 USC 2671), any applicable environmental law or regulation, or other laws, including the death or injury to any persons, or loss or damage to the property of any persons resulting from the use of the Licensed Property by the LICENSEE.

b. LICENSEE shall indemnify and hold harmless the LICENSOR against all actions,

Page 4

Initials:

\_\_\_\_\_  
LICENSEE

& \_\_\_\_\_  
LICENSOR



f. LICENSEE shall indemnify and hold harmless the LICENSOR against all actions, claims, demands, liabilities, and damages that may arise from the hazards listed in paragraph 14 above and the LICENSEE's potentially incompatible use of the facility.

e. The insurance must provide a minimum of \$1 million dollars coverage per occurrence. (NOTE: the \$1 million dollar amount is a minimum amount and it should be increased depending on the nature of the possible liabilities involved. If there are any questions



Item 8 – File 98-1685

**Department:** Public Utilities Commission (Bureau of Light, Heat and Power)

**Item:** Resolution accepting streetlights and poles as a gift to light 21<sup>st</sup> Street between Noe and Sanchez Streets.

**Description:** According to Mr. Ray Yamagishi of the Bureau of Light, Heat and Power, a group of residents of 21<sup>st</sup> Street between Noe and Sanchez Streets desire to give the City a gift, estimated by the Bureau of Light, Heat and Power to have a value of \$11,210, of 5 “post-top”<sup>1</sup> streetlight fixtures with poles (\$2,242 per light fixture and pole set) to light 21<sup>st</sup> Street between Noe and Sanchez Streets.

Mr. Yamagishi explains that the above-noted residents would pay for the costs associated with the purchase of the subject streetlight fixtures and poles, while the Bureau of Light, Heat and Power would pay for the their installation.

Approval of the proposed resolution would authorize the acceptance of the gift of 5 “post-top” streetlight fixtures with poles to light 21<sup>st</sup> Street between Noe and Sanchez Streets.

**Comments:** 1. According to Mr. Yamagishi, the proposed 5 streetlight fixtures would replace 5 existing standard streetlight fixtures. Mr. Yamagishi advises that the proposed streetlight fixtures are decorative fixtures which the residents desire.

2. Mr. Yamagishi advises that the proposed streetlight fixtures would not result in any additional operations and maintenance costs to the City because the City already incurs such costs with the existing streetlight fixtures. However, as noted above, the Bureau of Light, Heat and Power would pay the one-time installation costs, estimated at \$3,500, for replacing the existing streetlight fixtures with the proposed streetlight fixtures. The funding source for such costs can be absorbed in the

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<sup>1</sup> A “post-top” is a streetlight fixture with a lighting fixture at the top of a pole.

Bureau of Light, Heat and Power's FY 1998-99 budget,  
according to Mr. Yamagishi.

**Recommendation:** Approve the proposed resolution.

Item 10 – File 98-1475

**Department:** Public Transportation Commission (PTC)  
Municipal Railway (MUNI)

**Item:** Resolution authorizing the Municipal Railway to modify an existing contract with Breda Costruzioni Ferroviarie S.p.A. for design changes not to exceed \$2,953,707.

**Amount:** \$2,953,707

**Source of Funds:** A combination of Federal, State, Regional and Local transportation funds (see Comment No. 1)

**Description:** In November of 1991, the Board of Supervisors approved a resolution (Resolution No. 984-91) authorizing the Public Utilities Commission (PUC) to enter into a contract with Breda Costruzioni Ferroviarie S.p.A. (Breda) of Italy for Breda to manufacture and sell to the City 35 light rail vehicles (LRVs) for the City's fixed rail network. The amount of this contract was \$82,087,695, which consisted of \$72,765,000 for the purchase of 35 LRVs at a price of \$2,079,000 per LRV, plus \$9,322,695 for related costs including tooling, spare parts, training, manuals and testing equipment. The contract included an option to purchase up to 20 additional LRVs within one year of the execution of the contract, or by December 4, 1992, at a price of \$2,197,000 per LRV.

The Board of Supervisors subsequently approved two resolutions (Files 172-92-22 and 179-92-22.1), which authorized the PUC to modify the contract with Breda in order to (1) exercise the forgoing option by purchasing nine additional LRVs and (2) extend the expiration date for the option to purchase the remaining 11 LRVs (20 less 9) to December 4, 1993. These two contract modifications (Contract Modification Nos. 1 and 2) also increased the amount of the contract by \$19,773,000 (9 LRVs at \$2,197,000 per LRV), from \$82,087,695 to \$101,860,695.

In December of 1993, the PUC and Breda agreed to a third contract modification which provided for (1) the purchase of eight additional LRVs before the expiration of the option on December 4, 1993 at a cost of \$2,197,000 per

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

LRV, for a total cost of \$17,576,000 and (2) the acquisition of additional tooling, spare parts, training, manuals and testing equipment at an additional cost of \$2,991,083, for a total additional cost of \$20,567,083. This third contract modification was approved retroactively by the Board of Supervisors (File No. 172-96-12).

The PTC and Breda agreed two further contract modifications (Contract Modification Nos. 4 and 5), which provided for additional structural tests and other various technical changes and which resulted in an additional cost of \$162,600. These fourth and fifth contract modifications were approved retroactively by the Board of Supervisors (File No. 172-96-12).

In May of 1996, the Board of Supervisors subsequently approved a resolution (File No. 172-96-12), which authorized the PUC to modify the contract with Breda in order to (1) purchase 25 additional LRVs at a cost of \$2,434,812 per LRV, for a total cost of \$60,870,300 and (2) provided for additional spare parts at a cost of \$2,500,000 and design modifications at a cost of \$2,333,192. In total, this contract modification (Contract Modification No. 6) increased the amount of the contract by \$65,703,492.

As a result of the above-noted contract modifications, the PTC has purchased a total of 77 LRVs from Breda for use by MUNI at a total cost, including related costs, of \$188,293,870.

The proposed resolution would authorize MUNI to enter into Modification No. 7 with Breda, for Breda to provide additional design modifications to the 77 LRVs at a total cost of \$2,953,707 or an average cost of \$38,360 per LRV. As a result, the amount of the contract with Breda would increase from \$188,293,870 to \$191,247,577. A recap of all of the costs related to the purchase from Breda of the 77 LRVs is as follows:

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



Memo to Economic Development, Transportation, and Technology Committee  
 October 20, 1998 Economic Develop., Trans., and Tech. Committee Meeting

<u>Description</u>	<u>Cost per LVR</u>	<u>No. of LRVs</u>	<u>Cost</u>	
<b>Original Contract</b>				
LRVs	\$2,079,000	35	\$72,765,000	
Related Costs			9,322,695	
Subtotal				\$82,087,695
<b>Contract Modifications</b>				
<b>No. 1 &amp; 2</b>				
LRVs	2,197,000	9	19,773,000	
Subtotal				19,773,000
<b>Contract Modification</b>				
<b>No. 3</b>				
LRVs	2,197,000	8	17,576,000	
Related Costs			2,991,083	
Subtotal				20,567,083
<b>Contract Modification</b>				
<b>No. 4 &amp; 5</b>				
Additional Structural Tests and other Technical Changes			162,600	
Subtotal				162,600
<b>Contract Modification</b>				
<b>No. 6</b>				
LRVs	2,434,812	25	60,870,300	
Spare Parts			2,500,000	
Design Modifications			2,333,192	
Subtotal				65,703,492
<b>Contract Modification</b>				
<b>No. 7 (Subject of proposed resolution)</b>				
Additional Design Modifications				
Subtotal		—	2,953,707	<u>2,953,707</u>
<b>TOTALS</b>		<b>77</b>		<b>\$191,247,577</b>

**Comments:**

1. According to Ms. Gail Bloom of the Public Transportation Commission, the proposed design change costs under the subject contract modification are part of a larger project, with costs totaling \$472,168,900, to replace and expand MUNI's LRV fleet. As such, the costs of these design changes would be paid from a combination of funding sources for MUNI's LRV replacement and expansion project. Attachment I, provided by Ms. Bloom, contains the budget details and funding sources for this project in the total amount of \$472,168,900.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

2. On August 25, 1998, the PTC approved a resolution (Resolution No. 98-070) authorizing Contract Modification No. 7 with Breda for design changes to the 77 Breda LRVs.

3. Attachment II, provided by Ms. Cartwright, explains the specific reasons and budget details for the design modifications under the proposed subject Contract Modification No. 7 in the amount of \$2,953,707 as well as a general explanation for the previous costs of \$2,333,192 for the design modifications included in the total project costs of \$472,168,900.

4. Attachment III, provided by the PTC, contains the anticipated schedule to acquire 59 additional LRVs.

**Recommendation:** Approve the proposed resolution.

OPERATOR: San Francisco Municipal Railway WORKSHEET FILE NAME:

LAST PRINTED:

1-Oct-98  
PERCENT  
CAPITAL  
TOTAL

PROJECT NAME AND FUND SOURCE approved prior years current request future TOTAL

LIGHT RAIL VEHICLE PURCHASE - - sources of funds

FTA SECTION 3 -- RAIL MODERNIZATION	\$22,519,998	\$0	\$0	\$22,519,998	4.77%
FTA SECTION 3 -- FIXED GUIDEWAY	\$78,716,783	\$30,939,841	\$95,535,806	\$205,192,430	43.46%
FTA SECTION 9 -- FORMULA REPLACEMENT	\$888,146	\$0	\$0	\$888,146	0.19%
CMAQ/SURFACE TRANSPORTATION PROGRAM	\$64,796,000	\$30,782,000	\$0	\$95,578,000	20.24%
<b>SUBTOTAL FEDERAL FUNDS</b>	<b>\$166,920,927</b>	<b>\$61,721,841</b>	<b>\$95,535,806</b>	<b>\$324,178,574</b>	<b>68.66%</b>
STATE TRANSIT CAPITAL IMPROVEMENT	\$14,961,112	\$0	\$0	\$14,961,112	3.17%
STATE RAIL BONDS -- PROP 108	\$30,868,000	\$0	\$0	\$30,868,000	6.54%
STATE RAIL BONDS -- PROP 116	\$11,570,356	\$0	\$0	\$11,570,356	2.45%
<b>SUBTOTAL STATE FUNDS</b>	<b>\$57,399,468</b>	<b>\$0</b>	<b>\$0</b>	<b>\$57,399,468</b>	<b>12.16%</b>
BRIDGE TOLLS -- RM1	\$3,792,854	\$0	\$0	\$3,792,854	0.80%
BRIDGE TOLLS -- AB 664	\$2,636,587	\$0	\$0	\$2,636,587	0.56%
S F MUNICIPAL RAILWAY IMPROVEMENT CORI	\$37,600	\$0	\$0	\$37,600	0.01%
TRANSIT IMPACT DEVELOPMENT FEE -- CAPIT	\$13,434,076	\$0	\$0	\$13,434,076	2.85%
TRANSPORTATION SALES TAX -- CAPITAL	\$34,770,000	\$27,919,741	\$0	\$62,689,741	13.28%
SAFE HARBOR LEASE	\$8,000,000	\$0	\$0	\$8,000,000	1.69%
UNFUNDED	\$0	\$0	\$0	\$0	0.00%
<b>SUBTOTAL LOCAL FUNDS</b>	<b>\$62,671,117</b>	<b>\$27,919,741</b>	<b>\$0</b>	<b>\$90,590,858</b>	<b>19.19%</b>
<b>TOTAL CAPITAL FUNDS</b>	<b>\$286,991,512</b>	<b>\$89,641,562</b>	<b>\$95,535,806</b>	<b>\$472,168,900</b>	<b>100.00%</b>

OPERATOR: San Francisco Municipal Railway WORKSHEET FILE NAME:

LAST PRINTED:

1-Oct-98

PERCENT  
CAPITAL  
TOTAL

PROJECT NAME AND FUND SOURCE  
approved prior years  
current request  
future

TOTAL

### LIGHT RAIL VEHICLE PURCHASE - - uses of funds

GRANTEE SUPPORT	\$5,698,748	\$2,000,000	\$2,685,752	\$10,384,500	2.20%
CONSULTANT SERVICES	\$13,085,993	\$2,000,000	\$846,381	\$15,932,374	3.37%
BREDA CONTRACT	\$156,307,073	\$60,000,000	\$127,591,919	\$343,898,992	72.83%
ON BOARD SIGNAL CONTRACT (ALCATEL)	\$5,237,269	\$3,208,514	\$11,099,817	\$19,545,600	4.14%
SALES TAXES	\$1,636,447	\$2,000,000	\$27,581,092	\$31,217,539	6.61%
CONTINGENCY/ FINANCING COSTS	\$0	\$0	\$51,189,895	\$51,189,895	10.84%
<b>TOTAL CAPITAL FUNDS</b>	<b>\$181,965,530</b>	<b>\$69,208,514</b>	<b>\$220,994,856</b>	<b>\$472,168,900</b>	<b>100.00%</b>

**SUMMARY OF DESIGN CHANGES IN CONTRACT MODIFICATION NO. 6**

Previous contract to the Breda light rail vehicles approved under Contract Modification No. 6 totaling \$2,333,192 included the following: electrical circuit additions for communications feature improvements totaling \$615,142; electrical circuit interface changes associated with Automatic Train Control System (ATCS) integration totaling \$282,474; additional features to improve handicapped accessibility totaling \$550,000; additional vehicle and passenger safety features totaling \$780,981; additional vandal-resistant material totaling \$4,142; and tow-bar adaptors to allow towing of the historic fleet totaling \$114,000. A credit for \$13,547 for these changes was included for vehicles still under the production sequence.



## SUMMARY OF DESIGN/PROCEDURE CHANGES - Modification No. 7 (revised)

No.	Description of Changes	Agreed Cost Increase No Cost
1.	Coupling Circuit Modification to allow dead push of a car from the lead cab of the trial car.	No Cost
2.	Red Stripe Logo change Exterior decals changed to withstand graffiti cleansing solution.	No Cost
3.	IATP Car Sels Installation of IATP antennae and associated equipment for 42 vehicles.	\$336,000
4.	Lift Holst Modifications Modifications required to lift holst to allow compatibility with both Boalings and Breda Vehicles.	\$7,325
5a.	ADA - Change - Overhead door chimes requested by MAAC to signal door openings to vision - impaired passengers.	\$1,282,843
5b.	ADA Change - Handicapped stop request. Provision of stop request strips along entire vehicle as an alternative to the passengers intercom to request stops at handicap platforms.	\$341,600
6.	Vehicle FACP waivers Waivers granted for specific vehicles identified at FACP.	No Cost
7.	Vapor Specification Waivers Waivers granted to parts and door specification. Door timing, Door clear opening, Smoke & Flame, Insensitivity of top of door.	No Cost
8.	Silent Alarm Move Location of silent alarm moved for fleet consistency.	\$22,322
9.	Sand Ejector Waiver granted to Breda, sand valves provided do not have self-closing clean out mechanism.	No Cost
10.	Pantograph Pantographs provided are sacrificial but do not have specific breakaway feature.	No Cost
11.	Communications Changes to cab-to-cab functioning of communication system.	\$165,637
12.	Radio Changes to allow radio to be accessible from either cab of trail vehicles.	\$46,710
13.	Additional Mirror Provision of additional Interior mirror for improved Interior viewing.	\$36,771
14.	Upgrade go/no go tester Propulsion bench test unit upgraded from manual to automated version.	\$106,400
15.	Coupler Shielding Addition of shielding to specific trainline wiring for ATCS system.	\$302,223
16.	Extension of training to 4 sessions Provision of fourth session to maintenance training sessions.	\$113,460
17.	Heavy Repair Training Provision of additional session to provide specialized heavy repair training.	\$125,000
18.	Cost Saving for waiver to radio spares Waiver granted for requirement to provide 10% spares.	(\$13,384)
19.	Radio Antennae Access Interior panel provided in ceiling panels of cab to allow radio antennae access from inside.	No Cost
20.	Pilot Bar Pilot bar modification to allow installation and protection of IATP antennae.	\$85,480
21.	Cab Console Deviation granted for quality of cab consoles in 18 vehicles.	No Cost
22.	Re-rail Adapters: special tool designed to aid road-crews in re-railing a vehicle after a derailment.	\$5,400
23.	IATP to ATCS - Reconversion of IATP vehicles back to ATCS vehicles.	No Cost
Total		\$2,953,707

09/29/98



## SFCTA EXPENDITURE PLAN PROJECT NUMBER/NAME:

Light Rail Vehicle Purchase #16

DEPARTMENT PROJECT NUMBER (optional):

MILESTONES	START DATE	FINISH DATE
Negotiated Procurement for 59 LRVs Manufacture for 59 LRVs Delivery & Commissioning for 59 LRVs Post Delivery Support for 136 LRVs	Planned	Planned
	1/97	10/98
	1/99	9/01
	3/00	10/01
	Ongoing	6/02

Comments:

Project Manager - Elaine Cartwright

Prepared By - Gail Bloom

The following assumptions should be added to the tentative 59 car schedule:

1. FTA approval is given in October, 1998.
2. PTC approves the contract amendment in October 1998. The Price/Car increases by 2% after October and FTA approval may require approval again to justify base car price increases passed to MUNI by Breda. The FTA has already reviewed the price and cost analysis for the current base price and all previous contract modifications submitted to the PTC and the Board of Supervisors.
3. The Board of Supervisor's approves the amendment by January 1999.
4. Breda is given NTP in January 1999 to allow them to purchase manufacturing materials and start the production line no later than March 1999. Otherwise, production delivery delays could occur.



Item 11 -File 98-1497

**Department:** Department of Public Transportation (Municipal Railway)

**Item:** Resolution authorizing the Municipal Railway (MUNI), through the Purchaser, to enter into Contract Modification No. 1 to procurement contract No. 888 with Electric Transit, Inc. (a) to purchase additional and improved components and associated spare parts, and (b) to extend the delivery milestones of the prototype trolley coaches by up to 60 days.

**Contract Modification**

**Amount:** Not to exceed \$3,844,455

**Source of Funds:** See Attachment I

**Description:** In July of 1997, the City entered into a contract with Electric Transit, Inc. (ETI) for the purchase of 30 articulated trolley coaches at an average cost of \$812,750 per coach and 220 standard trolley coaches at an average cost of \$556,536 per coach, plus management, engineering, tooling, and testing services, spare parts, training, manuals, and diagnostic test equipment (File No. 172-97-27).<sup>1</sup> The original total contract amount was \$168,752,888. Total project costs of \$207,600,000, including this subject proposed contract modification of \$3,844,455, include the cost of the contract with ETI, additional equipment, MUNI personnel, consultants, Sales Tax, facility modifications, and a contingency. A budget and the related funding sources for the \$207,600,000 in project costs are listed in Attachment I, as provided by Ms. Kerstin Magary of the Municipal Railway.

Pursuant to authorization from the Public Transportation Commission (Resolution No. 98-074) on September 8, 1998, MUNI is requesting approval from the Board of Supervisors to enter into Contract Modification No. 1 in an amount not to exceed \$3,844,455. Contract Modification No. 1 would include the purchase of additional and improved sub-components and spare parts, including exterior door pushbuttons, electronic odometers,

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<sup>1</sup> The contract also includes an option for the City to purchase an additional 15 articulated trolley coaches and an additional 25 standard trolley coaches.

the Kiepe electrical current collection system<sup>2</sup>, the Digital Voice Annunciation System Central Recording Station<sup>3</sup>, and remote control mirrors.

A budget for Contract Modification No. 1 totaling \$3,844,455 is included in Attachment II provided by MUNI.

**Comment:**

According to Ms. Magary, the contract required ETI to deliver two prototypes of the standard trolley coaches by September of 1998 and one prototype of the articulated trolley coaches by February of 1999. According to Ms. Magary, the proposed contract modification would delay delivery by ETI to MUNI (a) by 30 days, to October of 1998, for the first of the two prototype standard trolley coaches, (b) by 60 days, to November of 1998, for the second of the two prototype standard trolley coaches, and (c) by 30 days, to March of 1999, for the prototype articulated trolley coach. MUNI believes that the contract modification is necessary and therefore considers these delays to be justified, according to Ms. Magary.

**Recommendation:** Approve the proposed ordinance.

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<sup>2</sup> According to Ms. Kerstin Magary of MUNI, the Kiepe electrical current collection system consists of the poles and other equipment that connect the overhead electric wires to the trolley coaches. The Kiepe system has automatic pole retrieval capabilities, as opposed to the present system that requires trolley coach operators to reconnect the poles manually. According to Ms. Magary, the present manual system results in significant workers compensation claims for MUNI. According to Ms. Magary, MUNI estimates that the new Kiepe system for the 30 articulated trolley coaches and the 220 standard trolley coaches to be provided by ETI to MUNI will generate savings in excess of the \$3,239,145 cost over a period of three to six years through reduced costs resulting from workers compensation claims filed by trolley coach operators.

<sup>3</sup> According to Ms. Magary, the Digital Voice Annunciation System (DVAS) provides audio and visual communication to trolley coach passengers. The DVAS Central Recording Station provides MUNI with the equipment to modify DVAS messages to correspond to route changes and other service changes.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Attachment I

**Project Budget and Financial Plan  
TROLLEY COACH PROCUREMENT  
MUNI CONTRACT #888**

**BUDGET**

Contract	\$168,752,888
Contract Modification No. 1	\$3,844,455
Equipment	\$880,000
MUNI	\$10,025,000
Consultants	\$4,487,000
Sales Tax (8.5%)	\$14,675,296
Facility Modification	\$1,000,000
Overall Contingency	\$3,935,361
<b>TOTAL</b>	<b>\$207,600,000</b>

**SOURCES OF FUNDS**

FTA Section 3--Bus/Alternative Fuels	\$21,589,201
FTA Section 9--Formula Replacement	\$125,380,182
FHWA Surface Transportation Program	\$4,800,000
<b>SUBTOTAL FEDERAL FUNDS</b>	<b>\$151,769,383</b>

State OA Surface Transportation Program	\$14,261,000
State Transit Capital Improvement	\$10,887,389
State Rail Bonds--Prop 108	\$1,146,219
State--Petroleum Violation Escrow Account	\$400,000
<b>SUBTOTAL STATE FUNDS</b>	<b>\$26,694,608</b>

Bridge Tolls--AB 664	\$8,802,263
S F Municipal Railway Improvement Corporation	\$1,264,176
Transit Impact Development Fee--Capital	\$1,875,000
Transportation Sales Tax--Capital	\$17,194,570
<b>SUBTOTAL LOCAL FUNDS</b>	<b>\$29,136,009</b>

<b>TOTAL CAPITAL FUNDS</b>	<b>\$207,600,000</b>
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DIVISION: Engineering and ConstructionPROJECT: Trolley Coach Procurement Project**EXPLANATION:****Prior Activities:**

The San Francisco Purchaser's Office entered into a procurement contract on behalf of the Public Transportation Department with Electric Transit Incorporated (ETI) in June 1997 for 30 articulated trolley coaches, with an option for up to 15 additional articulated trolley coaches, and 220 standard trolley coaches, with an option for up to 25 additional standard trolley coaches, associated spare parts, training, manuals, and diagnostic test equipment. The total amount of the contract was \$168,752,888. During the design review process, Muni issued Change Notices 4, 5, 7, 10 & 11 for additional trolley coach components, equipment, and spare parts, and also to revise the delivery schedule for the prototype coaches.

During internal MUNI progress review meetings and meetings with ETI, MUNI requested additional or improved components for the Trolley Coaches. A brief summary of the specification change request and benefit is presented below:

Change Notice: Type

Change Notice 4; Exterior Door Push Buttons  
 Change Notice 5; Electronic Hub Odometer  
 Change Notice 7; Kiepe Automatic Current  
 Collection System (Pole Retriever)  
 Change Notice 10; DVAS Central Recording Station  
 Change Notice 11; Remote Control Mirrors

Benefit to MUNI

Allows for future change to Proof-of-Payment System  
 Provides greater maintainability.  
 Provides greater maintainability. Decreases risk of operator injury  
 Provides greater flexibility in changing voice recordings for MUNI routes  
 Increases efficiency in operating vehicles

Based on a cost analysis performed according to FTA guidelines, MUNI considers the change notices to be reasonably priced.

ETI has demonstrated that the prototype delivery schedule will be impacted by these design changes. MUNI recommends the standard prototype delivery milestones be extended 30 days for the first prototype: September to October, 1998; and 60 days for the second prototype: September to November, 1998. MUNI recommends the articulated prototype delivery milestone be extended 30 days: February to March 1999.

**Proposed Action:**

Staff requests approval of Contract Modification No. 1 as described below:

<u>Change Notice: Type</u>	<u>Cost</u>
Change Notice 4; Exterior Door Push Buttons	\$ 123,041
Change Notice 5; Electronic Hub Odometer	\$ 159,996
Change Notice 7; Kiepe Current Collection System, (including spare parts for Kiepe System \$35,474 <sup>1</sup> )	\$3,239,145
Change Notice 10; DVAS Central Recording Station	\$ 27,681
Change Notice 11; Remote Control Mirrors (including spare parts for Remote Control mirrors \$9,360 <sup>1</sup> )	\$ 294,592
<b>Total</b>	<b>\$3,844,455</b>

<sup>1</sup> Represents additional cost over corresponding SPARE PARTS in Contract.



Item 13 – File 98-1086

**Department:** Department of Public Works (DPW)

**Item:** Ordinance amending Part II, Chapter X of the San Francisco Municipal Code (Public Works Code) by amending Section 400 to authorize the Director of the Department of Public Works (DPW) to require and perform remediation work on unaccepted public rights-of-way<sup>1</sup> and to enforce obligations to pay for such remediation work; amending Sections 706.3, 706.4, and 706.8 to delete the Director's authority to undertake emergency remediation of dangerous conditions on a sidewalk without notice, to allow for administrative review of specified determinations of the Director, and to expand the scope of the fund available for repairs and remediation undertaken by the Department of Public Works; and adding Section 709 to authorize the Director to issue and enforce emergency orders for the remediation of accepted or unaccepted public right-of-way in conjunction with or separate from other City departments.

**Description:** Section 400 of Part II, Chapter X of the Public Works Code currently authorizes the Department of Public Works (DPW) to notify the owner of any lot fronting an improved public right-of-way (e.g. sidewalk, street, avenue, etc.) that is in disrepair or in such a condition as to endanger persons or property or to interfere with the public convenience, that such owner is required to initiate repairs, reconstruction or improvement of the affected public right-of-way within five days of receiving written notice.

The proposed ordinance would amend Section 400 by (1) authorizing the Director of DPW to notify the owner of any lot fronting an improved but unaccepted public right-of-way that such unaccepted public right-of-way is in disrepair and (2) deleting the five-day time limitation for the property owner to initiate the required repair work.

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<sup>1</sup> According to Ms. Cynthia Chono of DPW, a public right-of-way which is unaccepted is a street, hillside or other area that has been dedicated as a public right-of-way, for which the City does not accept the responsibility of maintenance.

Instead, repairs would have to be initiated within a time period as deemed expedient and appropriate by the Director of Public Works. Section 400 would be further amended to state that, if the owner failed to complete the remediation within the manner and time period specified by the Director, then the Director could take all necessary actions to remedy the condition. All costs incurred by the City in completing the repair work, including but not limited to administration, construction, consultants, equipment, inspection, notification, remediation, repair and restoration, would be the responsibility of the owner of the property adjacent to the affected public right-of-way. In order to enforce this obligation, the Director of Public Works would be authorized to institute lien procedures against the owner's property, pursuant to Sections 706.4 through 707.1 (described below).

Section 706.3 of Part II, Chapter X of the Public Works Code currently states that the Director of Public Works shall repair a sidewalk that is in disrepair if the owner of the adjacent property fails to do so after having received written notice. Section 706.3 further states that if any portion of a sidewalk is in such disrepair that it is dangerous and therefore unfit for public use, the Director of Public Works is authorized to make the necessary repairs immediately upon receiving knowledge of such defect and without first providing written notice to the owner of the adjacent property. The proposed ordinance would delete this right of the Director to make such repairs without first providing written notice.

Sections 706.3 and 706.4 further provide that the owner of the adjacent property is responsible for reimbursing the City's cost to repair the sidewalk and that the owner is to be notified in writing of such obligation. These two sections also authorize the City to place a lien on the owner's property if the owner fails to reimburse the City for such costs.

The proposed ordinance would amend Section 706.4 to enable the property owner to request an administrative review of the Director's determination regarding the responsible property owner and the allocation of costs for

remediation, within 10 days of the Director's notice of obligation. If an administrative review is requested, the proposed ordinance would require the appointment of a hearing officer and the scheduling of a hearing by the Director within 10 days of the filing of the request. In accordance with the proposed ordinance, this hearing would be a tape-recorded public hearing in which evidence and testimony could be presented (under oath), parties could be represented by counsel and witnesses could be cross-examined. Written decisions and findings would be rendered by the hearing officer within 10 days of the hearing and would be mailed to the involved parties and posted at DPW's offices. Under the proposed ordinance, the decision of the hearing officer would not be binding, but would merely serve as a recommendation to the Director of Public Works. The Director would have five days to adopt, modify or deny the hearing officer's decision. The Director's decision would be final.

Section 706.8 presently states that a Revolving Fund shall be established to cover the City's costs of repairing sidewalks and of verifying and recording liens, pursuant to Sections 706.3 and 706.4. Section 706.8 states that this Revolving Fund shall be replenished by appropriation and by all monies paid or collected for sidewalk repairs and liens. The proposed ordinance would amend Section 706.8 to add language that would allow this Revolving Fund to also be used to fund repairs of unaccepted public rights-of-way, pursuant to Section 400.

Lastly, the proposed ordinance would amend the Public Works Code by adding a new section, Section 709, "Emergency Orders; Accepted and Unaccepted Public Right-of-Way". Under this new section, if the condition of a public right-of-way constitutes a public emergency or other imminent threat and thus requires immediate action, the Director of Public Works would be authorized, by written, telephonic or facsimile communication, to order the responsible property owner to remedy the condition in such a manner as the Director deems expedient and appropriate. If the responsible property owner is inaccessible or fails to act, the Director would then be authorized to take all necessary actions to remedy

the condition. As under Sections 706.3 and 706.4, the owner would be fully responsible for all costs incurred by the City in completing the remediation. In addition, in order to enforce this obligation, the Director of Public Works would be authorized to institute lien procedures against the owner's property as set forth in Sections 706.4 - 707.1.

The proposed new Section 709 further states that, in emergency situations, the Director of Public Works shall cooperate with other City departments, such as DPT and MUNI, with jurisdiction over affected fixtures, improvements, property or structures in proximity to the subject public right-of-way. In addition, the Director of Public Works would be authorized to issue emergency orders in conjunction with the Department of Building Inspection, when necessary.

**Comments:**

1. According to Mr. Mark Primeau, Director of DPW, the purpose of the proposed ordinance is to codify the procedures and responsibilities for emergencies that occur on unaccepted public rights-of-way, such as the 1997 hillslide incident on Edgehill Way, which will allow the City to act in a timely and efficient manner to prevent loss in emergency situations.

2. According to Ms. Tina Olson of DPW, the costs of administering the proposed legislation would be a marginal increase and would be funded by DPW's operating budget.

**Recommendation:**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Item 18 – File 98-1038

**Department:** Department of Public Works (DPW)

**Item:** Ordinance amending Part II, Chapter 10 of the Municipal Code (Public Works Code) by repealing Article 8 (Excavations in Streets), repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires, and Conduits), and adding Article 2.4 (Excavation in the Public Right-of-Way), including Section 2.4.44 to impose a new Street Damage Restoration Fee, authorizing establishment of the Street Construction Coordination Center and requesting other official actions in connection therewith, making findings for these amendments, and amending Article XIII of Chapter 10 of the Administrative Code by adding Section 10.117-119 to create a Special Fund for collection of Street Damage Restoration Fees and adding Section 10.117-120 to re-establish the Excavation Fund for the collection of other deposits, fees, and penalties imposed by Article 2.4.

**Description:** A complex network of gas, electric, water, sewer, telephone, traffic signal, cable television, steam, and other utility lines lies beneath City streets. Each time one of these utility lines or services needs repair or replacement, the street is excavated, resulting in construction impacts and patched trenches. In FY 1996-97, the Department of Public Works (DPW) issued 3,064 permits authorizing excavation of 617,188 square feet of pavement. DPW estimates that 4,369 of the City's 12,747 blocks will be worked on in the next five years. The results of such excavation and patched paving is trenches that sag below street level and create depressions, pieces of pavement that come loose and create potholes, a bumpy ride suffered by motorists and the potential hazards of an uneven street.

This proposed legislation would repeal Article 8 and Sections 672 and 673 of Article 14 of the Public Works Code and add Article 2.4. As explained in detail in the Legislative Digest prepared by the City Attorney's Office, on file with the Clerk of the Board of Supervisors, the proposed legislation in Article 2.4 is intended to:

- 1) Improve coordination of excavation work in streets by establishing a Street Construction Coordination Center, by requiring utility companies and City departments who excavate the streets (excavators) to submit 5-year plans to DPW that identify anticipated major excavations, and by requiring, in some cases, joint excavation when there are multiple plans to perform excavation in the same area.
- 2) Enhance the public's access to information about such excavation by creating new requirements for posting of excavation sites and delivery of written notice to affected neighborhood residents and businesses.
- 3) Minimize the impact of construction on neighborhood residents and businesses by shortening the time allowed for restoration of the public right-of-way and establishing regulations for the control of hazards at excavation sites.
- 4) Allow the City to partially recover costs from excavators which are incurred by the City to repave streets, because excavation damages streets and shortens their useful life. Such costs would be partially recovered by the City by imposing a new fee on street excavators, known as the Street Damage Restoration Fee, which will offset repaving costs paid from the City's funds.
- 5) Provide the City with a full range of enforcement mechanisms for violations of the excavation permit process, including establishing an administrative civil penalty program not to exceed \$1,000 per day, treating any violation of the permit as a criminal infraction with increasing fine amounts for the number of violations per year, and authorizing the Director of DPW to issue criminal violations.

**Comments:**

1. Attachment 1, provided by Mr. Vitaly Troyan of DPW, explains the purpose of the proposed legislation.
2. A summary of the changes to the Public Works Code pertaining to excavation, provided by Mr. Troyan, is included in Attachment 2.
3. Currently, the Administrative fee is \$50 per block to compensate DPW for costs incurred to administer excavation permits. A block is currently defined as the Public Right-of-Way that includes the street area extending from the middle of an intersecting street to the middle of the next intersecting street in length. The



proposed legislation would lower the Administrative fee by 50 percent, from \$50 to \$25, but would also change the definition of block to be the Public Right-of-Way extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. The definition also considers an intersection as a block. Mr. Troyan notes that under the proposed legislation, the Administrative fee would be halved, but also includes a changed definition of block which doubles the number of blocks. As such, DPW anticipates no change in revenue collected in Administrative fees.

4. Currently, excavators pay an Inspection fee of \$0.80 per square foot of pavement to be excavated for the cost of the inspection and regulatory services provided by the City. The Inspection fee would remain the same under the proposed ordinance and DPW expects no change in revenue collected for Inspection fees.

5. The proposed ordinance would relocate the enabling language for the Excavation Fund from the Public Works Code Section 358 to the Administrative Code Section 10.117-120. The Excavation Fund would continue to receive revenues collected from Administrative fees, Inspection fees, and penalties. Mr. Troyan reports that DPW estimates that the following amounts would be deposited to the Excavation Fund:

FY 1998-99	\$800,000
FY 1999-00	840,000
FY 2000-01	882,000

The Excavation Fund would be administered by DPW, subject to the budget and fiscal provisions of the Charter and therefore subject to appropriation approval by the Board of Supervisors. The proposed legislation states that the Excavation Fund shall be used exclusively to defray City costs in connection with excavation and the administration of this subject proposed Article 2.4.

6. Currently, Article 8 of the Public Works Code establishes a moratorium on excavations of Public Rights-of-Way (defined as the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys,

boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the City) for a period of three years from the completion of street resurfacing or reconstruction. Under the proposed legislation, the moratorium period would be extended to five years.

However, the Director of DPW, at his discretion, may grant a waiver for good cause. The Director is specifically authorized to grant a waiver for an excavation that facilitates the deployment of new technology which furthers official City policy. The Director may also place additional conditions on a Permit subject to waiver, including but not limited to, the charging of additional fees.

7. Based on an economic report prepared by JBS Energy, Inc., the total added annual cost of repaving incurred by the City as a result of excavations is an estimated \$3,300,000 to \$5,100,000, which translates to \$5.37 to \$8.38 per square foot of excavation, according to JBS Energy, Inc.

8. This proposed ordinance would impose the following Street Damage Restoration Fees to recover the increased paving costs to the City caused by excavations. During the five year moratorium period, a waiver to the moratorium must be issued by the Director of DPW, as noted above.

<u>Age of Street Since Last Resurfacing</u>	<u>Fee Amount per square foot of Excavation</u>
0-5 years	\$3.50
6-10 years	3.00
11-15 years	2.00
15-20 years	1.00

Revenues collected in Street Damage Restoration Fees would accrue to the Street Damage Restoration Fund, subject to the budget and fiscal provisions of the Charter and appropriation approval by the Board of Supervisors. The proposed legislation states that the Restoration Fund

shall be used exclusively for street resurfacing and reconstruction.

9. Under the current Public Works Code, DPW regulates only excavations by private parties. Under this proposed legislation, DPW would regulate excavations by both private parties and City departments, which would primarily effect the Department of Parking and Traffic (DPT), Municipal Railway (MUNI), and the Public Utilities Commission (PUC). City departments would be subject to all fees and permit conditions.

The Budget Analyst notes that current repaving costs are supported by DPW's non General Fund revenue sources, including Proposition B Transportation Authority funds, gas tax funds, and Federal grant funds. The proposed legislation would create additional costs for the General Fund supported departments of DPT and MUNI. Mr. Troyan expects additional costs to DPT and MUNI to be minimal but is unable to project such costs. Mr. Troyan notes that MUNI track work will not be subject to Street Damage Restoration Fees. Based on excavation work performed in FY 1996-97, Mr. Troyan projects that the proposed legislation would result in additional PUC costs of approximately \$114,260 annually.

Mr. Troyan notes that the fee structure and conditions for waivers in the proposed legislation contain incentives that would reduce excavation costs through coordination and planning of excavations.

10. According to Mr. Troyan, DPW calculated an estimate of revenue to be collected in the Street Damage Restoration Fund by using DPW figures on the number and type of excavation permits issued in FY 1996-97 and applying the proposed Street Damage Restoration Fee structure to the FY 1996-97 data and assuming no coordination of excavators. The resulting estimate of the revenue to be collected in the Street Damage Restoration Fund is approximately \$986,384. Mr. Troyan notes that this estimate will vary because the proposed fee structure and fee waivers provide incentives to excavators to coordinate excavations, as well as the fact that the

number of excavations increases approximately five percent annually.

11. According to Mr. John Malamut of the City Attorney's Office, the proposed ordinance contains uncodified language which serves as a directive to establish the Street Construction Coordination Center (Center), which would operate within DPW. The Center would serve as the logistical hub for planning, permitting, and coordinating street excavations. The Center shall accept and review five year plans submitted by each utility and municipal excavator showing all major work to be done in the Public Right of Way, as well as be responsible for preparing DPW's five year repaving plan showing all proposed reconstruction, repaving, and resurfacing of the Public Right-of-Way. To the extent possible and practical, the Center would maximize coordination of joint excavations, reduce scheduling conflicts between plans to excavate and repave, and seek to minimize disruption to the Public Right-of-Way.

A budget for the first three years of the Center's operation is included in Attachment 3. As shown on the budget, the cost of the Center's first year is estimated to be \$1,495,000. As also shown on the budget, DPW projects that funding to support the cost will come from three sources: 1) continued General Fund support of \$335,000, the same level of General Fund support that currently funds the Pavement Management and Mapping System, 2) fees accrued to the Excavation fund, estimated to be \$800,000 in the first year as discussed above, and 3) surplus funds currently collected in the Excavation Fund, of which \$360,000 would be drawn to support the Center in the first year. DPW plans to request 3.5 new FTEs needed to staff the Center in the FY 1999-2000 budget. The salary and fringe benefits cost of these 3.5 FTEs would be funded from Excavation Fee revenues. No additional General Fund support will be required, according to Mr. Troyan.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

## CUSTOMER SERVICE BENEFITS OF NEW EXCAVATION CODE

### Improves Construction Coordination

- Requires all excavators to obtain permits
- Requires five year plans of major planned excavation.
- Requires five year plan of City paving projects.
- Utilizes computerized Geographic Information System (GIS) technology to coordinate construction.
- Creates Street Construction Coordination Center to manage excavation in City streets.
- Requires City agencies to work together under one contract.
- Encourages coordination of work among utilities.

### Keeps Public Informed of New Construction.

- Requires three to thirty days notice to residents (depending on size of project) before construction begins.
- Requires construction project signs during construction.
- Mandates start date and duration of construction be shown on each permit.
- Requires permit be available on job site.

### Minimizes Impact of Construction on Neighborhoods.

- Requires excavated material be removed from construction site on same day.
- Requires excavators to comply with laws regarding excavation and handling of hazardous materials.
- Requires construction sites be kept clean and free of loose dirt
- Requires open excavations be covered with steel plates.
- Lessens number of times streets are torn up by increasing moratorium on excavation in newly paved streets from three years to five, except for emergencies.

### Reduces Uneven Pavement and Improves Smoothness of Ride on City Streets.

- Fees encourage utilities to do their work before a street is paved, not after.
- Fees encourage utilities to do work on older streets instead of newly paved streets.
- Requirement to repave full width of trench eliminates bumps from uneven trenches.

### Preserves Taxpayers' Investment in Streets

- Retains requirement that excavators maintain their trenches for the life of the pavement.
- Retains provision allowing Director to repair trenches and recover costs if excavator fails to make repairs.
- Retains fees to recover cost of regulation.
- Preserves taxpayers' investment in streets by requiring excavators to pay their fair share of paving streets more frequently to offset damage caused by excavation.



## EXCAVATION CODE CHANGES

(rev 6/18/98)

### GENERAL PROVISIONS

- Director of Public Works is responsible for managing the Public Right-of-Way (2.4.1).
- City agencies must obtain Excavation Permits (2.4.2).
- No permits required for work completed within 24 hours to install parking meter, traffic sign, street tree, etc. (2.4.2).
- No Excavation Permit required for subsidewalk basement work or sidewalk repair (2.4.2).
- Work must comply with Department of Parking and Traffic's "Blue Book" (2.4.3).
- "Block" redefined to match Pavement Management System; an intersection is a "block" (2.4.4c).
- "Major Work" is work that will last longer than fifteen days (2.4.4j).

### PERMIT APPLICATIONS

- Proof of right to be in the Public Right-of-Way must accompany application (2.4.10a).
- Applicant must specify start date and duration of excavation (2.4.10a).
- Business Tax Registration Certificate is required (2.4.10a).
- Utility Excavators must submit five year plans of anticipated major work each quarter (2.4.11a).
- Utility five year plans are confidential (2.4.11a).
- DPW must publish five year repaving plan quarterly (2.4.11b).
- DPW must notify Utility Excavators 120 days prior to street renovation (2.4.11b).
- Coordination of five year plans required (2.4.11c).
- Joint contracting required for City agencies; encouraged for utilities (2.4.12).

### EXCAVATION PERMITS

- Permit Streamlining Act implemented (2.4.20).
- Work must begin within 30 days of specified start date (2.4.20.2).
- Permits are not transferable (2.4.20.3).
- Moratorium against excavating in newly paved streets is extended to five years; Director may grant waiver for good cause, including deployment of new technology (2.4.21).
- Emergency excavation rules remain unchanged (2.4.22).
- Excavators must indemnify and hold City harmless (2.4.23).
- Permit must be kept on job site and shown to City employees on request (2.4.24).



### **DEPOSITS AND FEES.**

- \$25,000 deposit required; may be any security acceptable to Director (2.4.40).
- Administrative fee reduced to \$25.00, but permit required for each “block”, including intersections (2.4.41).
- Inspection Fee remains \$0.80 per square foot of excavation, unless work is already being inspected by DPW (2.4.42)
- Excavation Fund continued for excavation regulation (10.117-120)
- Street Damage Restoration Fee created; amount varies from \$3.50/sq ft for age 0-5 to \$1.00/sq ft for age 16-20; no fee beyond age 20. (2.4.44)
- Street Fee waived for excavation which includes repaving of entire block; for coordination with City paving; or if extra conduit provided (2.4.44).
- Street Damage Restoration Fee deposited in Street Damage Restoration Fund to be used for paving (10.117-119).

### **EXCAVATION AND RESTORATION**

- Public notice required before excavating; extent of notice increases with length of construction (2.4.50).
- Construction project signs required for major work(2.4.50b).
- USA notification required (2.4.51).
- DPW to update Order detailing excavation regulations (2.4.53).
- New provisions for excavation of hazardous materials (2.4.53c).
- “Stop Work” orders authorized ( 2.4.54).
- Trench resurfacing must be to a constant width equal to the widest part of the excavation (2.4.55a).
- Time periods for backfill, base replacement and finished pavement restoration shortened to 72 hours each (2.4.55b).
- DPW may do work within 24 hours if excavator doesn’t (2.4.55d).
- Excavators continue to be responsible for trench until entire street is repaved (2.4.70)
- Excavator must repair failed trench within 72 hours (2.4.71).
- If excavation is hazardous or is a public nuisance, and Excavator can’t be reached or is slow to respond, DPW may do work and bill excavator (2.4.73).
- Owner must notify City of abandoned facilities (2.4.90)
- Visible facilities must be identified with Owner’s name (2.4.91)

### **PENALTIES**

- DPW may impose penalties up to \$1000 per occurrence per day (2.4.81).
- Immediate correction/penalty provided for work without permit, no permit on site, no USA notification, no public notice, Blue Book violations, poor housekeeping/construction practice, failure to restore pavement within 72 hours, and work outside scope of permit (2.4.81a)
- DPW may ask City Attorney to seek civil penalties (2.4.81.2).
- DPW may call on SFPD to enforce Code (2.4.83)
- No permits issued to Persons having outstanding violations ( 2.4.85)

**FUNDING PLAN**  
**STREET CONSTRUCTION COORDINATION CENTER**

<u>ITEM</u>	<u>FY 1998-99</u>	<u>FY 99-00</u>	<u>FY 00-01</u>
<b>EXPENSES:</b>			
<b>PLANNING GROUP</b>			
1 - 5204 Asst Civil Engineer	\$ 105,000	\$ 90,000	\$ 93,000
1 - 5364 Civil Eng Associate I	\$ 92,000	\$ 79,000	\$ 81,000
1 - 5382 Student Trainee III	\$ 68,000	\$ 58,000	\$ 60,000
Scheduling Consultant	\$ 30,000		
<b>PERMITS &amp; ENFORCEMENT</b>			
1 - 6231 Sr Street Inspector	\$ 89,000	\$ 92,000	\$ 95,000
4 - 6230 Street Inspector	\$ 305,000	\$ 316,000	\$ 327,000
0.5 - 5362 Civil Eng Asst II*	\$ 9,000	\$ 18,000	\$ 19,000
1 - 5364 Civil Eng Assoc I	\$ 76,000	\$ 79,000	\$ 81,000
Svcs of BSM (part of MIS Group)	\$ 130,000	\$ 75,000	\$ 78,000
Svcs of SFPD (50% of Motorcycle Ofcr)	\$ 25,000	\$ 26,000	\$ 27,000
Svcs of DPT (50 % of Asst Trf Engr)	\$ 24,000	\$ 50,000	\$ 51,000
<b>PUBLIC INFORMATION</b>			
1 - 1368 Spec Asst IX (DPW Svc Rep)*	\$ 41,000	\$ 85,000	\$ 88,000
1 - 1408 Principal Clerk*	\$ 36,000	\$ 75,000	\$ 77,000
<b>MANAGEMENT &amp; ADMINISTRATION</b>			
1 - 1376 Spec Asst XVII*	\$ 75,000	\$ 155,000	\$ 160,000
1 - 1426 Clerk Typist	\$ 60,000	\$ 62,000	\$ 64,000
<b>MATERIALS/SUPPLIES/EQUIPMENT</b>			
Electronic Permitting System	\$ 300,000	\$ 100,000	
Non-Labor Costs (Vehicles, tng, etc.)	<u>\$ 30,000</u>	<u>\$ 31,000</u>	<u>\$ 32,000</u>
<b>TOTAL EXPENSES</b>	<b>\$1,495,000</b>	<b>\$1,391,000</b>	<b>\$1,333,000</b>

**FUND SOURCES:**

<b>GENERAL FUND</b>	\$ 335,000	\$ 335,000	\$ 335,000
<b>EXCAVATION FEES</b>	\$ 800,000	\$ 840,000	\$ 882,000
<b>EXCAVATION FUND</b>	<u>\$ 360,000</u>	<u>\$ 216,000</u>	<u>\$ 116,000</u>
<b>TOTAL FUND SOURCES</b>	<b>\$1,495,000</b>	<b>\$1,391,000</b>	<b>\$1,333,000</b>

\* New positions

**Assumptions:**

221 working days (1768 hours) per year	3.5% annual raises
BOE OH = 115%	5% per year increase in excavation
BSM OH = 78%	

c/mydoc/sccc funding plan  
vbt 9/22/98

Item 19 - File 98-564

**Departments:** Department of Parking and Traffic (DPT)  
Department of Public Works (DPW)  
Planning Department

**Item:** Ordinance amending the City's Traffic Code, Administrative Code and Planning Code to (1) protect the integrity of existing bicycle facilities; (2) prohibit parking in bicycle lanes; (3) conform to the State Vehicle Code definition of bicycle and provisions regarding the rights and duties of bicycle riders; (4) authorize monitored bicycle parking at large public events; (5) clarify definition and obligations of responsible City officials and landlords and deleting obsolete implementation schedule provisions; (6) require bicycle parking in City-owned parking facilities and privately-owned parking garages; (7) require shower and locker facilities in new buildings and buildings undergoing major renovations; (8) make findings of consistency with the priority policies of Planning Code Section 101.1; and (9) repeal Traffic Code Sections 97 and 99.

**Description:** The following description is based on a draft Amendment of the Whole, dated October 8, 1998. This ordinance would amend sections of the City's Traffic Code, Administrative Code and Planning Code as follows:

Amendments to the Traffic Code:

(a) This ordinance would prohibit any modifications of streets, lanes or paths in the City's official bicycle route system which would narrow or eliminate the space available to bicycles, unless the Board of Supervisors expressly grants its approval for such modifications. The proposed ordinance would exempt construction zones involving temporary changes to lane widths or lane configurations.

(b) Existing provisions of the Traffic Code do not expressly prohibit vehicle parking in bicycle lanes. The proposed ordinance would amend the Traffic Code to prohibit vehicle parking in bicycle lanes on weekdays between the hours of 7-9 a.m. and 4-6 p.m. This ordinance would impose a fine of \$100 for parking in bicycle lanes during

such hours and stipulates that all fines collected would be deposited with the Department of Parking and Traffic (DPT) for expenditure and use for the DPT's Bicycle Program, subject to appropriation approval by the Board of Supervisors. The Bicycle Program is located within DPT's Traffic Engineering Division and is staffed by three employees, who oversee bicycle planning and other bicycle-related activities for the City. For FY 1998-99, the Bicycle Program will expend approximately \$2.1 million, of which approximately \$168,000 is funded through the City's General Fund. The balance of the Bicycle Program's revenues come from Federal and State grants, one-half cent sales taxes and other sources. The ordinance states that the DPT may install signs or otherwise alert motorists of the parking prohibitions and the related fines and provides certain exemptions for emergency service, public utility and commercial vehicles.

(c) This ordinance would modify certain sections of the City's Traffic Code concerning the definition of bicycles to ensure that San Francisco's provisions conform to the State Vehicle Code and repeals other sections which were preempted by State law (i.e., prohibiting passengers on a bicycle).

Amendments to the Administrative Code:

Existing provisions do not authorize the City to require monitored bicycle parking at large permitted public events. The proposed ordinance would amend the Administrative Code by authorizing the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), or other applicable permitting authorities, at their discretion, to require, and develop guidelines regarding monitored bicycle parking at large permitted public events. Sponsors of such events would be responsible for paying any costs associated with providing this service and may charge persons who park bicycles a "nominal fee" for such service.

Amendments to the Planning Code:

(a) Clarifies the definition of landlord and responsible City official and their respective obligations for providing bicycle parking in City-owned and City-leased buildings.

In addition, the ordinance would remove obsolete implementation schedule provisions for bicycle parking, pertaining to such buildings. Both the existing and proposed ordinance provides that any fines collected violating these obligations (currently \$50 per day), would be assessed by the Zoning Administrator of the Planning Department and deposited with the Department of Parking and Traffic for expenditure by and for the DPT's Bicycle Program, subject to appropriation approval by the Board of Supervisors. According to Ms. Kathryn Hile of DPT, to date, no revenues have been received from such fines.

(b) Requires that bicycle parking be provided in all City-owned indoor parking garages and privately-owned indoor parking garages, with ten or more parking spaces. Garages would be required to supply at least six and no more than 50 bicycle spaces, depending on the size of the garage. Within six months of the enactment of this legislation, garages are required to have installed half of the required bicycle spaces, or no fewer than six spaces. Garages would be required to be in full compliance with the requirements within 18 months.

Private garages would be permitted to charge rent or other fees for bicycle parking at their discretion. Parking fees at City garages are subject to Board of Supervisors approval. According to Mr. Peter Tannen of DPT, four (Civic Center, Sutter-Stockton, 5<sup>th</sup> and Mission and Golden Gateway) of the 17 City-owned garages provide bicycle racks, and three of these City-owned garages charge 25 cents a day for bicyclists to park. Golden Gateway does not currently charge for use of their bicycle racks. All garages would be required to post signs near the garage entrances to advertise the availability of bicycle parking.

The Zoning Administrator would be responsible for enforcing this provision, by initially providing written notice to the violator, allowing 30 days to fix the violation. If the violation continues, the Zoning Administrator would then add the name and address of the garage and owner responsible to a list of garages in violation of this provision, which can be provided to the public.



(c) Requires shower and locker facilities in all new commercial and industrial buildings, for which a building permit is issued at least six months after the effective date of this legislation, and in existing commercial and industrial buildings undergoing major renovations. Major renovations are defined as those which involve an enlargement of a building, defined in the ordinance as an increase in the square footage on the ground story of a building, and which have an estimated cost of at least \$1,000,000. The number of showers and lockers are based upon the square footage of the building and the usage of the building. Owners of existing buildings who make arrangements to provide free access to showers and lockers at health clubs or other such facilities within a four block radius of their buildings, as well as hotels, residential buildings and live/work units, would be exempt from having to install showers and lockers in their buildings. The owner or landlord of the building would be responsible for paying for the additional cost to install the shower and locker facilities.

**Comments:**

1. Ms. Kathryn Hile of DPT reports that if the proposed legislation is approved, DPT should not need to hire additional enforcement personnel. Instead, according to Ms. Hile, the existing Parking Control Officers (PCO) would be instructed to issue \$100 parking citations for those vehicles that block bicycle lanes, instead of the current \$50 citation for double parking. Ms. Hile reports that, as of the writing of this report, it is not possible to estimate the amount of revenue that would be generated from such fines. Ms. Hile also indicates that there may be some additional costs associated with the purchase and installation of signs to notify motorists of the new ordinance requirements, although a precise cost estimate is not currently available.

2. Mr. Paul Rosetter of the Planning Department reports that the Planning Commission approved the proposed changes to the Planning Code at its October 15, 1998 meeting. According to Mr. Rosetter, it is conservatively estimated to cost approximately \$12,000 in additional staff costs during the first year for the Planning Department to enforce the proposed provisions of the Planning Code. Mr. Rosetter indicates that these costs



may taper off in subsequent years, as compliance with the proposed provisions improves.

3. Mr. John Cone of the Bureau of Building Repair reports that the cost to install one shower and two lockers in a new building that would be Americans with Disabilities Act (ADA) compliant would be a minimum of approximately \$10,000 to \$15,000. According to Mr. Cone, the cost to provide such code compliant shower and lockers in a building undergoing major renovations are likely to be a minimum of approximately \$20,000 to \$100,000, depending on the building's layout, the availability of space and the plumbing and drainage requirements. Mr. Harry Quinn of the Real Estate Department reports that, if the proposed ordinance is approved, approximately one to two City-owned or City-leased buildings may be required to provide such showers and lockers.

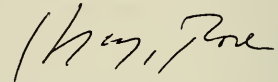
4. Both the existing and proposed language states that the Board of Supervisors does not intend General Fund revenues to be used to pay for the purchase or installation of bicycle storage facilities in City-owned buildings, or that private building owners be required to use their own funds to purchase or install bicycle racks in City-leased buildings. Rather, implementation of that provision is intended to be funded primarily through the use of public and private donations, grants and other available funding. Mr. Tannen indicates that a bicycle rack that could accommodate seven bicycles would cost approximately \$250 to purchase and approximately \$100 to install.

5. Under the proposed amendments to the Traffic Code, a fine of \$100 would be imposed for parking in bicycle lanes, with such fine revenues to be used by DPT's Bicycle Program. However, the Budget Analyst notes that under the City's existing Charter Section 16.110, each fiscal year, an amount equivalent to the City's revenues from traffic fines are to be used for the operations and capital improvements for Muni. Ms. Adine Varah of the City Attorney's Office reports that, if the proposed ordinance is approved, any traffic fine revenues generated by this ordinance would go to DPT's Bicycle Program. However, in order to comply with the provisions of the City Charter,

Memo to Economic Development, Transportation, and Technology Committee  
October 20, 1998 Economic Development, Transportation, and Technology Meeting

the General Fund would have to match the amount allocated to the Bicycle Program for purposes of paying the equivalent amount to Muni. As noted above, as of the writing of this report, DPT is unable to estimate the amount of revenue that would be generated from such fines.

**Recommendation:** Approval of the proposed Amendment of the Whole is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey



City and County of San Francisco  
Meeting Minutes - DRAFT  
Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

Clerk: Gail Johnson

Veterans Building  
401 Van Ness Avenue,  
Room 308  
San Francisco, CA  
94102-4532

Tuesday, October 20, 1998

10:00 AM

Veterans Building, Legislative Chamber,  
401 Van Ness Ave., Room 404  
San Francisco, CA 94102

**Regular Meeting**

**Members Present:** Michael Yaki, Leslie Katz, Mark Leno.

**Meeting Convened**

*Meeting Convened at 10:03 a.m.*

**CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

**981532 [State Grant, California Energy Commission]**

Resolution authorizing the General Manager of the Recreation and Park Department and the General Manager of the Public Utilities Commission to accept and expend a grant of \$75,000 from the California Energy Commission for projects resulting in energy savings. (Public Utilities Commission)

9/14/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

**981420 [Encroachment Permit, Jackson/Washington Streets]**

Resolution granting revocable permission to San Francisco University High School to install three (3) 3-inch underground conduits across Washington Street to provide internet access to the school's buildings at 3065 Jackson Street (Block 982, Lot 34) and 3185 Washington Street (Block 999, Lot 26) and adopting findings pursuant to Planning Code Section 101.1. (Department of Public Works)

8/20/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

**981466 [Revocable Permit, 1600 Divisadero Street]**

Resolution granting revocable permission to Prowest PCM, Inc. to temporarily close and occupy the east sidewalk and portion of the street area on Divisadero Street during construction operations for the UCSF Stanford Healthcare, Mount Zion Center, Outpatient Cancer Center at 1600 Divisadero Street (Block 1077, Lot 27). (Department of Public Works)

8/28/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

DOCUMENTS DEPT.

OCT 26 1998

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**981533 [City-Wide 800 MHz Radio Project Agreement]**

Resolution authorizing first amendment to license agreement with AT&T Communications, Inc. at AT&T's Bernal Heights Facility at 99 Moultrie Street for City's 800 MHz Radio Project. (Real Estate Department)

9/14/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

**981552 [Revocable Permit, 250 Embarcadero]**

Resolution granting revocable permission to Swinerton and Walberg Construction Company to temporarily close and occupy the north sidewalk and a portion of the street area on Folsom Street, between Spear Street and the Embarcadero to conduct construction operations at 250 Embarcadero (Block 3741, Lots 11, 27, and 28). (Department of Public Works)

9/17/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

**981685 [Gift Acceptance, Public Utilities Commission]**

Resolution accepting streetlights and poles (five post-top streetlight fixtures and poles estimated at \$11,210) as a gift to light 21st Street between Noe and Sanchez Streets. (Public Utilities Commission)

10/6/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

**RECOMMENDED..**

The foregoing items were acted upon by the following vote:

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**Severed from the Committee Consent Agenda****981598 [Grant - Federal Funds]**

Resolution authorizing the Private Industry Council of San Francisco, Inc. to accept and expend approximately \$550,000 of refugee funds for an Elderly Refugee Project in line with the Refugee County Plan. (Private Industry Council)

9/23/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Amended on line 2, after "authorizing," and on line 17, after "authorized," by adding "retroactively."*  
**AMENDED.**

Resolution authorizing, retroactively, the Private Industry Council of San Francisco, Inc. to accept and expend approximately \$550,000 of refugee funds for an Elderly Refugee Project in line with the Refugee County Plan. (Private Industry Council)

**RECOMMENDED AS AMENDED.. by the following vote:**

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**981496 [Hold Harmless Agreement]**

Resolution authorizing the Chief of Police to execute a hold harmless agreement with the United States Coast Guard concerning the docking of a vessel at Treasure Island. (Police Department)

9/10/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Amended on lines 4 and 7, by replacing "Treasure Island," with "Yerba Buena Island."*  
**AMENDED.**

Resolution authorizing the Chief of Police to execute a hold harmless agreement with the United States Coast Guard concerning the docking of a vessel at Yerba Buena Island. (Police Department)

**RECOMMENDED AS AMENDED..** by the following vote:

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

## REGULAR AGENDA

- 980944** [Advertising on Fixed Pedestal Newsracks] **Supervisor Kaufman**  
Ordinance amending Section 603 of the Planning Code to exempt advertising on fixed pedestal newsracks from Planning Code requirements regulating signs.  
(Amends Section 603.)

6/8/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

- 981475** [Contract Modification - Municipal Railway]  
Resolution authorizing the Municipal Railway, through the Purchaser, to enter into Contract Modification No. 7 with Breda Costruzioni Ferroviarie, S.p.A. for design changes not to exceed \$2,953,707. (Public Transportation Commission)  
9/2/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Continued to November 3, 1998.*

**CONTINUED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

- 981497** [MUNI Trolley Bus Contract]  
Resolution authorizing the San Francisco Municipal Railway through the Purchaser to enter into Contract Modification No. 1 to Procurement Contract No. 888 with Electric Transit Incorporated (ETI) for the purchase of additional and improved components and associated spare parts, and to extend the delivery milestones of the Prototype Trolley Coaches and the contract completion date to be 30 and 60 days. (Public Transportation Commission)  
9/10/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Leno, Yaki, Katz

- 981670** [Olympic Official Bid Committee] **Mayor**  
Resolution authorizing the Bay Area Sports Organizing Committee to represent the City and County of San Francisco as the official bid committee in submitting an application to the United States Olympic Committee to host the Games of the XXX Olympiad in 2012.

10/5/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno



- 981086 [Public Right-of-Way]** **Supervisor Medina**  
Ordinance amending Public Works Code Sections 400, 706.3, 706.4 and 706.8 and adding Section 709 to authorize the Director of the Department of Public Works to require and perform remediation on unaccepted public right-of-way and to enforce obligations to pay for such remediation; to delete the Director's authority to undertake emergency remediation of dangerous conditions on a sidewalk without notice, to allow for administrative review of specified determinations of the Director, and to expand the scope of the fund available for repairs and remediation undertaken by the Department of Public Works; and to authorize the Director to issue and enforce emergency orders for the remediation of accepted or unaccepted public right-of-way in conjunction with or separate from other City departments.  
(Amends Sections 400, 706.3, 706.4, 706.8; adds Section 709.)  
6/29/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**RECOMMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981015 [Presidio Trust Funds and Services]** **Supervisor Bierman**  
Hearing to consider City policy regarding funds and services to the Presidio Trust.  
6/15/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**CONTINUED TO CALL OF THE CHAIR by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 980352 [Cable Rate Regulation]** **Supervisors Ammiano, Bierman**  
Hearing to consider basic and expanded cable rate regulations.  
3/2/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Continued at the request of sponsor.*  
**CONTINUED TO CALL OF THE CHAIR by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981580 [Airport Public Works Projects]** **Supervisor Brown**  
Hearing to consider the effectiveness of project stabilization agreements and the reasons for the low number of San Francisco residents participating in the public work projects at the Airport.  
9/22/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**CONTINUED TO CALL OF THE CHAIR by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981227 [16th Street/Mission BART Station]** **Supervisor Brown**  
Hearing to consider the public health and safety in the area surrounding the 16th Street Mission BART Station.  
7/20/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**CONTINUED TO CALL OF THE CHAIR by the following vote:**  
Ayes: 2 - Yaki, Leno  
Absent: 1 - Katz



**981038 [Excavation in the Public Right-of-Way] Supervisors Katz, Bierman**

Ordinance amending Public Works Code by repealing Article 8 (Excavations in Streets), repealing Sections 672 and 673 of Article 14 (Underground Pipes, Wires and Conduits), and adding Article 2.4 (Excavation in the Public Right-of-Way), including Section 2.4.44 to impose a new street damage restoration fee; authorizing establishment of the Street Construction Coordination Center and requesting other official actions in connection therewith; making findings for these amendments; and amending Article XIII of Chapter 10 of the Administrative Code by adding Section 10.117-119 to create a fund for collection of street damage restoration fees and adding Section 10.117-120 to reestablish the excavation fund for the collection of other deposits, fees, and penalties imposed by Article 2.4.  
(Repeals Public Works Sections 672, 673, adds Section 2.4.44; adds Administrative Code Sections 10.117-119, and 10.117-120.)

6/22/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 7/22/1998.

10/5/98, SUBSTITUTED.

10/5/98, ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisor Katz presented Amendment of the Whole bearing same title. Supervisor Katz moved to further amend Amendment of the Whole. Adopted.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

(Repeals Public Works Sections 672, 673, adds Section 2.4.44; adds Administrative Code Sections 10.117-119, and 10.117-120.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**980564 [Bicycle Transit Enhancement Plan]**

**Supervisors Katz, Bierman,  
Medina, Ammiano**

Ordinance amending Traffic Code by adding Article 5B, Section 110 to protect the integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155.1 to clarify definition and obligations of responsible City official and landlord and deleting obsolete implementation schedule provisions, by adding Section 155.2 to require bicycle parking in city-owned parking facilities and privately owned parking garages and Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; and repealing Traffic Code Sections 97 and 99.

(Adds Traffic Code Article 5B, Sections 110, 38N; amends Section 3.14, 4; repeals Section 97 and 99; adds Administrative Code Section 2.76; amends Planning Code Section 155.1; adds Section 155.2 and 155.3.)  
(General Rule exclusion from environmental review.)

4/6/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 5/6/1998. (General Rule exclusion from environmental review.)

6/29/98, SUBSTITUTED.

6/29/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 7/29/1998.

*Heard in Committee. Supervisor Katz presented Amendment of the Whole bearing same title. Supervisor Katz moved to further amend Amendment of the Whole. Adopted. Supervisors Yaki and Leno added as co-sponsors.*  
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending Traffic Code by adding Article 5B, Section 110 to protect the integrity of existing bicycle facilities and Section 38N to prohibit parking in bicycle lanes, by amending Section 3.14 to conform to the State Vehicle Code definition of bicycle and Section 4 to conform to State Vehicle Code provisions regarding the rights and duties of bicycle riders; amending Administrative Code by adding Section 2.76 to authorize monitored bicycle parking at large public events; amending Planning Code Section 155 to clarify that any bicycle parking requirements under that section will not conflict with Sections 155.1 and 155.2, amending Planning Code Section 155.1 to clarify definition and obligations of responsible City official and landlord and deleting obsolete implementation schedule provisions, by adding Section 155.2 to require bicycle parking in city-owned parking facilities and privately-owned parking garages and adding Section 155.3 to require shower and locker facilities in new buildings and buildings undergoing major renovations, and by making findings of consistency with the priority policies of Planning Code Section 101.1; and repealing Traffic Code Sections 97 and 99.

(Adds Traffic Code Article 5B, Sections 110, 38N; amends Sections 3.14, 4; repeals Sections 97 and 99; adds Administrative Code Section 2.76; amends Planning Code Sections 155, 155.1; adds Sections 155.2 and 155.3.) (General Rule exclusion from environmental review.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

980565 [Bicyclist Injury Reporting Hot Line]

Supervisors Katz, Bierman,  
Medina, Ammiano, Yaki, Leno

Resolution urging the Department of Parking and Traffic to establish and provide public notice of a bicyclist injury reporting hot line which would be available for a period of at least nine months beginning on July 1, 1998.

4/6/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Yaki and Leno added as co-sponsors.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

980566 [Bicyclist Safety - No Parking Zones]

Supervisors Katz, Bierman,  
Medina, Ammiano, Yaki, Leno

Resolution urging the Department of Parking and Traffic to work with the Department of Public Works in designating No Parking Zones on certain streets during rush hour and coordinating street cleaning schedules accordingly in order to facilitate safe bicycle commuting on such streets.

4/6/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Yaki and Leno added as co-sponsors.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

980567 [Bicycle Transit Information, EIR Guidelines]

Supervisors Katz, Bierman,  
Medina, Ammiano, Yaki, Leno

Resolution urging the Planning Department's Environmental Review Officer to take reasonable steps to ensure that, where applicable, the Planning Department's transportation guidelines for environmental review are updated and amended to include a full analysis of potential impacts to bicycle transportation.

4/6/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Yaki and Leno added as co-sponsors.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**980568 [Bicycle Reimbursement and Purchasing]**Supervisors Katz, Bierman,  
Medina, Ammiano, Yaki, Leno

Resolution urging the Mayor to direct the Director of Human Resources as part of future contract negotiations to propose that the City should provide reimbursement for use of privately owned bicycles by City employees and officials as part of the employees' benefits and that such reimbursement should be contingent upon the use of bicycle helmets and urging the Department of Parking and Traffic to work with the City Purchaser to develop a feasibility study and purchasing plan regarding the purchase and maintenance of a pool of bicycles to be used for City business.

4/6/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Yaki and Leno added as co-sponsors.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981318 [Bicyclist and Police Interaction]**

Supervisors Katz, Yaki, Leno

Hearing to consider steps that can be developed to improve cyclist and police interactions.

8/3/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Yaki and Leno added as co-sponsors.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981339 [Valencia Street Bicycle Lanes]**

Supervisor Medina

Resolution establishing bicycle lanes on Valencia Street on a one-year trial basis; urging the Department of Parking and Traffic to enact and rescind traffic regulations on Valencia Street in order to accommodate the bicycle lanes; and, making findings of compliance with the California Environmental Quality Act and of General Plan conformity.

**BICYCLE LANES - ESTABLISH**

Valencia Street, both directions (northbound and southbound curb lanes), between Market and Tiffany Streets.

**TOW-AWAY, NO STOPPING 4 P.M. TO 6 P.M., MONDAY THROUGH FRIDAY - RESCIND**

Valencia Street, west side, between 26th Street and Cesar Chavez Street.

**TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH**

Valencia Street, southbound curb lane, at Cesar Chavez Street.

8/10/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/9/1998.

*Heard in Committee. Amended on page 2, line 20, by replacing "Establish" with "Rescind." Supervisors Yaki and Leno added as co-sponsors.*

**AMENDED.**

Resolution establishing bicycle lanes on Valencia Street on a one-year trial basis; urging the Department of Parking and Traffic to enact and rescind traffic regulations on Valencia Street in order to accommodate the bicycle lanes; and, making findings of compliance with the California Environmental Quality Act and of General Plan conformity.

**BICYCLE LANES - ESTABLISH**

Valencia Street, both directions (northbound and southbound curb lanes), between Market and Tiffany Streets.

**TOW-AWAY, NO STOPPING 4 P.M. TO 6 P.M., MONDAY THROUGH FRIDAY - RESCIND**

Valencia Street, west side, between 26th Street and Cesar Chavez Street.

**TOW-AWAY LANE MUST TURN RIGHT - RESCIND**

Valencia Street, southbound curb lane, at Cesar Chavez Street.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**Adjournment**

*Meeting Adjourned at 3:15 p.m.*

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

October 30, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** November 3, 1998 Economic Development, Transportation and  
Technology Committee Meeting

Item 1 - File 98-1475

**Note:** This item was continued by the Economic Development, Transportation and  
Technology Committee at its meeting of November 3, 1998.

**Department:** Public Transportation Commission (PTC)  
Municipal Railway (MUNI)

**Item:** Resolution authorizing the Municipal Railway to modify  
an existing contract with Breda Costruzioni Ferroviarie  
S.p.A. for design changes not to exceed \$2,953,707.

**Amount:** \$2,953,707

**Source of Funds:** A combination of Federal, State, Regional and Local  
transportation funds (see Comment No. 1)

**Description:** In November of 1991, the Board of Supervisors approved  
a resolution (Resolution No. 984-91) authorizing the  
Public Utilities Commission (PUC) to enter into a  
contract with Breda Costruzioni Ferroviarie S.p.A.  
(Breda) of Italy for Breda to manufacture and sell to the  
City 35 light rail vehicles (LRVs) for the City's fixed rail  
network. The amount of this contract was \$82,087,695,



which consisted of \$72,765,000 for the purchase of 35 LRVs at a price of \$2,079,000 per LRV, plus \$9,322,695 for related costs including tooling, spare parts, training, manuals and testing equipment. The contract included an option to purchase up to 20 additional LRVs within one year of the execution of the contract, or by December 4, 1992, at a price of \$2,197,000 per LRV.

The Board of Supervisors subsequently approved two resolutions (Files 172-92-22 and 179-92-22.1), which authorized the PUC to modify the contract with Breda in order to (1) exercise the forgoing option by purchasing nine additional LRVs and (2) extend the expiration date for the option to purchase the remaining 11 LRVs (20 less 9) to December 4, 1993. These two contract modifications (Contract Modification Nos. 1 and 2) also increased the amount of the contract by \$19,773,000 (9 LRVs at \$2,197,000 per LRV), from \$82,087,695 to \$101,860,695.

In December of 1993, the PUC and Breda agreed to a third contract modification which provided for (1) the purchase of eight additional LRVs before the expiration of the option on December 4, 1993 at a cost of \$2,197,000 per LRV, for a total cost of \$17,576,000 and (2) the acquisition of additional tooling, spare parts, training, manuals and testing equipment at an additional cost of \$2,991,083, for a total additional cost of \$20,567,083. This third contract modification was approved retroactively by the Board of Supervisors (File No. 172-96-12).

The PTC and Breda agreed to two further contract modifications (Contract Modification Nos. 4 and 5), which provided for additional structural tests and other various technical changes and which resulted in an additional cost of \$162,600. These fourth and fifth contract modifications were approved retroactively by the Board of Supervisors (File No. 172-96-12).

In May of 1996, the Board of Supervisors subsequently approved a resolution (File No. 172-96-12), which authorized the PUC to modify the contract with Breda in order to (1) purchase 25 additional LRVs at a cost of \$2,434,812 per LRV, for a total cost of \$60,870,300 and (2) provided for additional spare parts at a cost of \$2,500,000

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**



and design modifications at a cost of \$2,333,192. In total, this contract modification (Contract Modification No. 6) increased the amount of the contract by \$65,703,492.

As a result of the above-noted contract modifications, the PTC has purchased a total of 77 LRVs from Breda for use by MUNI at a total cost, including related costs, of \$188,293,870.

The proposed resolution would authorize MUNI to enter into Modification No. 7 with Breda, for Breda to provide additional design modifications to the 77 LRVs at a total cost of \$2,953,707 or an average cost of \$38,360 per LRV. As a result, the amount of the contract with Breda would increase from \$188,293,870 to \$191,247,577. A recap of all of the costs related to the purchase from Breda of the 77 LRVs is as follows:

<u>Description</u>	<u>Cost per LRV</u>	<u>No. of LRVs</u>	<u>Cost</u>	
<b>Original Contract</b>				
LRVs	\$2,079,000	35	\$72,765,000	
Related Costs			9,322,695	
Subtotal				\$82,087,695
<b>Contract Modifications</b>				
<b>No. 1 &amp; 2</b>				
LRVs	2,197,000	9	19,773,000	
Subtotal				19,773,000
<b>Contract Modification</b>				
<b>No. 3</b>				
LRVs	2,197,000	8	17,576,000	
Related Costs			2,991,083	
Subtotal				20,567,083
<b>Contract Modification</b>				
<b>No. 4 &amp; 5</b>				
Additional Structural Tests and other Technical Changes			162,600	
Subtotal				162,600
<b>Contract Modification</b>				
<b>No. 6</b>				
LRVs	2,434,812	25	60,870,300	
Spare Parts			2,500,000	
Design Modifications			2,333,192	
Subtotal				65,703,492

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

<u>Description</u>	<u>Cost per LVR</u>	<u>No. of LRVs</u>	<u>Cost</u>
<b>Contract Modification</b>			
<b>No. 7 (Subject of proposed resolution)</b>			
Additional Design Modifications			
Subtotal		—	2,953,707 <u>2,953,707</u>
TOTALS		77	\$191,247,577

**Comments:**

1. According to Ms. Gail Bloom of the Public Transportation Commission, the proposed design change costs under the subject contract modification are part of a MUNI project, with costs totaling \$472,168,900, to replace and expand MUNI's LRV fleet. As such, the costs of these design changes would be paid from a combination of funding sources for MUNI's LRV replacement and expansion project. Attachment I, provided by Ms. Bloom, contains the budget details and funding sources for this project in the total amount of \$472,168,900.

2. On August 25, 1998, the PTC approved a resolution (Resolution No. 98-070) authorizing Contract Modification No. 7 with Breda for design changes to the 77 Breda LRVs.

3. Attachment II, provided by Ms. Elaine Cartwright of MUNI, explains the specific reasons and budget details for the design modifications under the proposed subject Contract Modification No. 7 in the amount of \$2,953,707 included in the total project costs of \$472,168,900.

4. In Attachment II, referring to why MUNI removed radio equipment from retired Boeing LRVs and installed them in the 77 Breda LRVs, Ms. Cartwright states that "the Breda contract would be written to allow the use of the older radios on the Boeings to be provided by MUNI. (The actual radio hardware was no longer manufactured.) Breda was tasked with a new design to use one MUNI-provided radio transmitter/receiver for both cabs in the LRV2 (a multiplexed design) as opposed to the use of separate unit on each end of the Boeings because of the scareness [sic] of equipment." Ms. Cartwright further states that "The design and installation of this older equipment by Breda was not completely covered by the

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

original contract because proper operation of this equipment could not be fully evaluated until the LRV2s were in actual revenue service. In this instance, MUNI discovered that the back cab of a two-car consist (train) would not have an operational radio under the Breda design. MUNI feels it is necessary that every radio be operational at all times in case of an emergency. MUNI failed to anticipate that, with the multiplex arrangement, a rear cab radio in the second car of a two car consist would be dead. This requirement was not explicit in the original contract. Hence, Breda has to be paid approximately \$6,100/car to rewire and add a switch for all 77 LRVs to allow full operation of all radios, regardless of whether there is an operator in the back cab of any car in any train."

5. Attachment III, also provided by Ms. Cartwright, explains in further detail MUNI's discovery of the radio equipment failures on board the Breda LRVs.

6. Attachment IV, provided by MUNI, contains a general explanation for the previous costs of \$2,333,192 for the design modifications included in the total project costs of \$472,168,900.

7. Attachment V, provided by the PTC, contains the anticipated schedule to acquire 59 additional LRVs.

**Recommendation:** Approve the proposed resolution.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

OPERATOR: San Francisco Municipal Railway WORKSHEET FILE NAME:  
LAST PRINTED:

PROJECT NAME AND FUND SOURCE	approved prior years	current request	future	1-Oct-98	
				TOTAL	PERCENT CAPITAL TOTAL

LIGHT RAIL VEHICLE PURCHASE -- sources of funds

FTA SECTION 3 -- RAIL MODERNIZATION	\$22,519,998	\$0	\$0	\$22,519,998	4.77%
FTA SECTION 3 -- FIXED GUIDEWAY	\$78,716,783	\$30,939,841	\$95,535,808	\$205,192,430	43.48%
FTA SECTION 9 -- FORMULA REPLACEMENT	\$888,148	\$0	\$0	\$888,148	0.19%
CMAQ/SURFACE TRANSPORTATION PROGRAM	\$84,788,000	\$30,782,000	\$0	\$95,578,000	20.24%
<b>SUBTOTAL FEDERAL FUNDS</b>	<b>\$186,920,827</b>	<b>\$61,721,841</b>	<b>\$95,535,808</b>	<b>\$324,178,574</b>	<b>88.88%</b>
STATE TRANSIT CAPITAL IMPROVEMENT	\$14,981,112	\$0	\$0	\$14,981,112	3.17%
STATE RAIL BONDS -- PROP 108	\$30,888,000	\$0	\$0	\$30,888,000	8.64%
STATE RAIL BONDS -- PROP 118	\$11,570,358	\$0	\$0	\$11,570,358	2.46%
<b>SUBTOTAL STATE FUNDS</b>	<b>\$57,399,468</b>	<b>\$0</b>	<b>\$0</b>	<b>\$57,399,468</b>	<b>12.10%</b>

BRIDGE TOLLS -- RM1	\$3,792,854	\$0	\$0	\$3,792,854	0.80%
BRIDGE TOLLS -- AB 884	\$2,638,587	\$0	\$0	\$2,638,587	0.68%
S F MUNICIPAL RAILWAY IMPROVEMENT CORI	\$37,800	\$0	\$0	\$37,800	0.01%
TRANSIT IMPACT DEVELOPMENT FEE -- CAPIT	\$13,434,078	\$0	\$0	\$13,434,078	2.85%
TRANSPORTATION SALES TAX -- CAPITAL	\$34,770,000	\$27,919,741	\$0	\$62,689,741	13.28%
SAFE HARBOR LEASE	\$6,000,000	\$0	\$0	\$6,000,000	1.89%
UNFUNDED	\$0	\$0	\$0	\$0	0.00%

<b>SUBTOTAL LOCAL FUNDS</b>	<b>\$62,671,117</b>	<b>\$27,919,741</b>	<b>\$0</b>	<b>\$90,590,858</b>	<b>19.19%</b>
<b>TOTAL CAPITAL FUNDS</b>	<b>\$286,991,512</b>	<b>\$89,641,562</b>	<b>\$95,535,808</b>	<b>\$472,168,880</b>	<b>100.00%</b>

OPERATOR: San Francisco Municipal Railway WORKSHEET FILE NAME:  
LAST PRINTED: 1-Oct-98

PROJECT NAME AND FUND SOURCE	approved prior years	current request	future	TOTAL	PERCENT CAPITAL TOTAL
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**LIGHT RAIL VEHICLE PURCHASE - - uses of funds**

GRANTEE SUPPORT	\$5,698,748	\$2,000,000	\$2,685,752	\$10,384,500	2.20%
CONSULTANT SERVICES	\$13,085,993	\$2,000,000	\$646,361	\$15,932,374	3.37%
BREDA CONTRACT	\$158,307,073	\$80,000,000	\$127,591,919	\$343,898,992	72.83%
ON BOARD SIGNAL CONTRACT (ALCATEL)	\$5,237,289	\$3,208,514	\$11,089,817	\$19,545,000	4.14%
SALES TAXES	\$1,636,447	\$2,000,000	\$27,561,092	\$31,217,539	6.61%
CONTINGENCY/ FINANCING COSTS	\$0	\$0	\$51,109,895	\$51,109,895	10.84%
<b>TOTAL CAPITAL FUNDS</b>	<b>\$181,965,530</b>	<b>\$89,208,514</b>	<b>\$220,994,856</b>	<b>\$472,168,900</b>	<b>100.00%</b>



Date: 10/26/98  
Sender: Elaine Cartwright  
To: Sharyn Saslafsky  
cc: Peg Divine, PJ Johnston, John Thomas, Gabriel Cabrera  
Priority: Normal  
Subject: LRV2 Mod. #7

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THE RADIO STORY:

1. The Breda contract was certified in December, 1991.
2. At that time, the City was considering a new City-wide emergency radio system that would include MUNI, Police, and Fire. It was also decided that the Breda contract would be written to allow use of the older radios on the Boeings to be provided by MUNI. (The actual radio hardware was no longer manufactured.) Breda was tasked with a new design to use one MUNI-provided radio transmitter/receiver for both cabs in the LRV2 (a multiplexed design) as opposed to the use of a separate unit on each end of the Boeings because of the scareness of equipment.
3. In 1991, MUNI decided not to be included in the City-wide radio system, now under installation by DTIS. MUNI has yet to fully specify a new system. (MUNI's new radio system is part of the scope under a project managed by John Thomas called Central Control Communications Systems Upgrade currently under conceptual design.) However, the fact remains that the Breda contract would still have to work with the older MUNI-provided radios. (MUNI radio technicians estimate that new interim radio hardware would have cost an extra \$14M that would have been eventually thrown away. In fact, the Breda design using the old hardware has saved MUNI \$14M.)
4. The design and installation of this older equipment by Breda was not completely covered by the original contract because proper operation of this equipment could not be fully evaluated until the LRV2s were in actual revenue service. In this instance, MUNI discovered that the back cab of a two-car consist would not have an operational radio under the Breda design. MUNI feels it is necessary that every radio be operational at all times in case of an emergency. MUNI failed to anticipate that, with the multiplex arrangement, a rear cab radio in the second car of a two car consist would be dead. This requirement was not explicit in the original contract. Hence, Breda has to be paid approximately \$6100/car to rewire and add a switch for all 77 LRV2s to allow full operation of all radios, regardless of whether there is an operator in the back cab of any car in any train.

THE Mod. # 7 SUMMARY:

1. All the changes to the Breda car described below fall into a budgeted category of typical changes that are often needed after the car is in revenue service. Although the exact nature of these changes was not anticipated, the need to set aside a budget to pay for these changes was. It is impossible to



forsee what kinds of changes will be needed on a vehicle until it is operating.

2. To date, MUNI has limited the amount of post production design modifications to 3% of the vehicle cost. In other words, the total contingency costs of \$4.93

M for this 9 year old contract are only 2.6 % of the total \$191 M contract amount. The budgeted contingency is usually close to 5% of the total contract amount. The contract costs are currently well within budgetary guidelines.

3. There is a retrofit program for the 77 Breda cars scheduled to begin in January to perform some of the modifications. (Some can be done while the vehicles are parked at nite.) This program will cycle vehicles out of service at the same rate that wrecked vehicles are brought back into service thereby ensuring a constant number of vehicles are available for revenue service.

In fact, Breda is also delivering one new vehicle to MUNI per week. The amount of LRV2s available for service will only INCREASE. In addition, retrofit activities can be slowed down to accomodate availability requirements if necessary.

4. There are four major categories of changes to the Breda car in this mod:

A. Handicapped accessibility requested changes total more than \$1.6 M of the \$2.9 M modifications. These changes are not legally required by the ADA laws. Breda's original contract only required compliance with the Federal ADA laws. The LRV2 team has worked closely with the politically active Handicapped accessibility community in San Francisco once these cars were put in revenue service to define additions to the Breda cars that would enhance their accessibility to the handicapped community.

B. Communications systems changes total approximately \$212 K. This amount includes the radio system wiring changes described above and other cab-to-cab custom features MUNI requested after the vehicles were in service that required wiring changes well beyond the initial contract definitions. These custom features can only be discerned when the cars are operating in revenue service.

C. ATCS compatibility modifications account for \$703.5 K. Although the Breda contract requires ATCS interface electronics, many of the interface requirements were defined by Alcatel to MUNI very late, well after the vehicles were in revenue service. In fact, these changes were in part requested because of tests that were run on the vehicle by Alcatel in revenue service. Some of these tests indicated that additional wiring insulation was needed to avoid degradation of the Alcatel signals on the car. Breda was due money for these changes because they were identified after the design was finalized when such work is costly and time consuming. However, they were impossible to characterize before actual service.

D. Additional maintenance training and shop diagnostic equipment accounts for \$345 K. MUNI requested an additional technician's class and a new Heavy Repair class, as well as a high tech diagnostic computer to trouble shoot

propulsion integrated circuit boards to the component level. These requests were made by maintenance management after the first three technician's classes brought to light the level of technical complexity of the Breda car as compared to the Boeing car. The original contract did include three training classes. It seems a penny wise and a pound foolish to avoid additional maintenance training class costs while the contractor is accessible. In the future, when the contractor is gone, the cost of additional manufacturer-provided training will increase.

## SUMMARY OF DESIGN/PROCEDURE CHANGES - Modification No. 7

(revised)

## Description Of Changes

No.	Description Of Changes	Agreed Cost Increase No Cost
1.	Coupling Circuit Modification to allow dead push of a car from the lead cab of the trial car.	No Cost
2.	Red Stripe Logo change Exterior decals changed to withstand graffiti cleaning solution.	No Cost
3.	IATP Car Sels Installation of IATP antennae and associated equipment for 42 vehicles.	\$336,000
4.	Lit Holst Modifications Modifications required to lit holst to allow compellibility with both Boelings and Brade Vehicles.	\$7,325
5a.	ADA - Change - Overhead door chimes requested by MAAC to signal door openings to vision - impaired passengers.	\$1,232,843
5b.	ADA Change - Handicapped stop request. Provision of stop request strips along entire vehicle as an alternative to the passengers intercom to request stops at handicap platforms.	\$341,800
6.	Vehicle FACI wavers Wavers granted for specific vehicles identified at FACI.	No Cost
7.	Vapor Specification Wavers Wavers granted to perts and door specification. Door timing, Door clear opening, Smoke & Flame, Insensitivity at top of door.	No Cost
8.	Blind Alarm Move Location of silent alarm moved for fleet consistency.	\$22,322
9.	Sand Ejector Waver granted to Brade; sand wavers provided do not have self-closing clean out mechanism.	No Cost
10.	Peritograph Peritographs provided are self-closed but do not have specific breakaway feature.	No Cost
11.	Communications Changes to cab-to-cab functioning of communication system.	\$185,637
12.	Radio Changes to allow radio to be accessible from either cab of trail vehicles.	\$46,710
13.	Additional Mirror Provision of additional interior mirror for improved interior viewing.	\$38,771
14.	Upgrade go/no go tester Propulsion bench test unit upgraded from manual to automated version.	\$108,400
15.	Coupler Shielding Addition of shielding to specific trainline wiring for ATCS system.	\$302,223
16.	Extension of training to 4 sessions Provision of fourth session to maintenance training sessions.	\$113,460
17.	Heavy Repair Training Provision of additional session to provide specialized heavy repair training.	\$128,000
18.	Cost Saving for waver to radio spares Waver granted for requirement to provide 10% spares.	(\$15,384)
19.	Radio Antennae Access Interior panel provided in ceiling panels of cab to allow radio antennae access from inside.	No Cost
20.	Pilot Bar Pilot bar modification to allow installation and protection of IATP antennae.	\$68,460
21.	Cab Console Deviation granted for quality of cab consoles in 18 vehicles.	No Cost
22.	Re-rail Adapters: special tool designed to add road-crews in re-railing a vehicle after a derailment.	\$5,400
23.	IATP to ATCS - Reconversion of IATP vehicles back to ATCS vehicles.	No Cost
Total		\$2,853,707

09/28/88

Date: 10/29/98  
Sender: Elaine Cartwright  
To: Gabriel Cabrera  
Priority: Normal

Subject: FW: Breda Mod. #7 - Mod. to Radio on Breda Cars

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There were at least two cars in operation in December, 1995 to January, 1996 without operation of the radio in the second car of the last cab. That is how we noticed the problem. We had to go back to operations to determine whether this was a problem or not. (They said they needed it.) Therefore, it is most certain that we have operated two car (Breda) trains in revenue service during the last 18 months without this modification many, many times. However, operations had determined that this feature is needed for safety reasons and would only be absolutely required in an emergency situation such as if the front cab was wrecked and the first car was on fire, etc. Hence, not having it in the last 18 months has not surfaced. But if we have a catastrophic failure such as an earthquake or fire, this radio would be needed to save lives or alert the Fire Dept.

-----Original Message-----

From: Cartwright, Elaine  
Sent: Wednesday, October 28, 1998 2:49 PM  
To: Cabrera, Gabriel  
Subject: Breda Mod. #7 - Mod. to Radio on Breda Cars

My negotiations records indicate that MUNI sent a letter to Breda on Jan. 9, 1997 (the first Breda car entered revenue service on Dec. 10, 1996) that the check out of the radio signals showed that there was no radio signal on the empty last cab of a two car train. In this letter MUNI described the problem and asked for a design and cost proposal to add a switch and wire it so as to select the radio end that should be activated.

## SUMMARY OF DESIGN CHANGES IN CONTRACT MODIFICATION NO. 6

Previous contract to the Breda light rail vehicles approved under Contract Modification No. 6 totaling \$2,333,192 included the following: electrical circuit additions for communications feature improvements totaling \$615,142; electrical circuit interface changes associated with Automatic Train Control System (ATCS) integration totaling \$282,474; additional features to improve handicapped accessibility totaling \$550,000; additional vehicle and passenger safety features totaling \$780,981; additional vandal-resistant material totaling \$4,142; and tow-bar adaptors to allow towing of the historic fleet totaling \$114,000. A credit for \$13,547 for these changes was included for vehicles still under the production sequence.

SFCTA EXPENDITURE PLAN PROJECT NUMBER/NAME:  
Light Rail Vehicle Purchase #16

DEPARTMENT PROJECT NUMBER (optional):

MILESTONES
Negotiated Procurement for 59 LRVs
Manufacture for 59 LRVs
Delivery & Commissioning for 59 LRVs
Post Delivery Support for 136 LRVs

START DATE
Planned
1/97
1/99
3/00
Ongoing

FINISH DATE
Planned
10/98
9/01
10/01
6/02

Comments:

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Project Manager - Elaine Cartwright

Prepared By - Gail Bloom

The following assumptions should be added to the tentative 59 car schedule:

1. FTA approval is given in October, 1998.
2. PTC approves the contract amendment in October 1998. The Price/Car increases by 2% after October and FTA approval may require approval again to justify base car price increases passed to MUNI by Breda. The FTA has already reviewed the price and cost analysis for the current base price and all previous contract modifications submitted to the PTC and the Board of Supervisors.
3. The Board of Supervisor's approves the amendment by January 1999.
4. Breda is given NTP in January 1999 to allow them to purchase manufacturing materials and start the production line no later than March 1999. Otherwise, production delivery delays could occur.



Item 2 – File 98-1751

**Department:** Mayor's Office

**Item:** Resolution approving and authorizing the Treasure Island Development Authority to enter into a cooperative agreement with the Navy, for the one year period from October 1, 1998 through September 30, 1999, whereby the Treasure Island Development Authority will assume certain responsibilities regarding the operation and maintenance of Treasure Island, and the Navy will reimburse the Authority for the costs therefor up to \$4 million.

**Description:** On May 2, 1997, the Board of Supervisors approved Resolution No. 380-97, authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit corporation known as the Treasure Island Development Authority (Authority) to act as a single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of the Treasure Island and Yerba Buena Island (together, the Base) for the public interest, convenience, welfare and common benefit of the inhabitants of the City.

In September of 1997, the Navy closed Treasure Island as an active naval base. The California Legislature subsequently approved the Treasure Island Conversion Act of 1997 which designated the Treasure Island Development Authority as a trustee of the State Tidelands Trust and as the Redevelopment Agency for Treasure Island.

On October 1, 1997, the City entered into a Cooperative Agreement with the Navy, with approval from the Board of Supervisors, in which the City agreed to assume responsibility for (1) operation and maintenance for the water, waste water, storm water, electric and gas utility systems on the Base, (2) security and public health and safety services, (3) grounds and street maintenance and repair, (4) property management and caretaker services. The Navy agreed to reimburse the City for the costs thereof, up to a maximum of \$4,000,000, for providing the

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

above maintenance and other activities to the closed naval base for the one year period from October 1, 1997 through September 30, 1998.

According to Ms. Eila Arbuckle of the Authority, the actual expenditures by the Authority for the one year period October 1, 1997 through September 30, 1998 was \$5,052,007 (see the Attachment provided by Ms. Arbuckle for a list of actual expenditures), or \$1,052,007 more than the \$4,000,000 reimbursement from the Navy. Ms. Arbuckle notes that the \$4,000,000 reimbursement from the Navy is reimbursement for maintenance and other activities as would be performed on a closed naval base, but the Authority leases and subleases various facilities on the Base and operates the Base at a higher level than that of a closed base. As such, the additional \$1,052,007 in expenditures were required to provide certain services, such as public safety, in accordance with City standards. Ms. Arbuckle notes that the Authority's FY 1997-98 budget of \$5,110,023 was approved by the Board of Supervisors.

The proposed resolution would approve various modifications to the existing Cooperative Agreement. One such modification would be to make the Authority, instead of the City, responsible for (1) operation and maintenance for the water, waste water, storm water, electric and gas utility systems on the Base, (2) security and public health and safety services, (3) grounds and street maintenance and repair, (4) property management and caretaker services. The Navy would reimburse the Authority for the costs thereof, up to a maximum of \$4,000,000, for the one year period from October 1, 1998 through September 30, 1999.

The proposed Cooperative Agreement Modifications also provide that the Authority will indemnify and hold harmless the Federal government from any claims, losses or other damages incurred by the Federal government as a result of the Authority's activities pursuant to the Cooperative Agreement Modifications, including, without limitation, spills or other discharges of hazardous materials caused by the Authority. A similar provision in

BOARD OF SUPERVISORS  
BUDGET ANALYST

which the City indemnified the Federal government from any claims, losses or other damages was included in the original Cooperative Agreement. According to Mr. Michael Cohen at the City Attorney's Office, the indemnification provisions in the subject Cooperative Agreement are customary and reasonable for an agreement of this type.

**Comments:**

1. According to Mr. Cohen, the reason for having the Authority instead of the City assume such maintenance and other responsibilities at the Base is that following the City's creation of the Authority and the State's designation of the Authority as the Redevelopment Agency for Treasure Island, the City's jurisdiction over the Base has been officially transferred to the Authority. As such, parties to the Cooperative Agreement need to be modified.

2. Ms. Arbuckle notes that the Authority's budget is subject to approval by the Board of Supervisors and that most maintenance and other responsibilities in the subject Cooperative Agreement will be performed by City agencies. Services such as pest control, asbestos removal, janitorial, and certain machinery repair will be contracted to private companies.

3. The subject Cooperative Agreement would provide reimbursement from the Navy to the Authority of up to \$4,000,000 for maintenance and other expenses. The total FY 1998-99 budget for the Authority, as previously approved by the Board of Supervisors, is \$6,145,000, or \$2,145,000 more than the \$4,000,000 reimbursement to be paid by the Navy to the Authority for maintenance and other activities.

4. The original Cooperative Agreement categorized services provided by the City into nine functions. According to Ms. Annemarie Conroy of the Authority, under the proposed Modified Cooperative Agreement, the Authority negotiated consolidation of the nine functions into six functions in the Cooperative Agreement Modifications in order to facilitate accounting and reporting activities, as shown in the following table:

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Economic Development, Transportation and Technology Committee  
November 3, 1998 Economic Development, Transportation and Technology  
Committee Meeting

Function 10/1/97 through 9/30/98	Budget 10/1/97 through 9/30/98	Function 10/1/98 through 9/30/99	Budget 10/1/98 through 9/30/99
Law Enforcement	\$250,000	Public Safety (police, fire and security)	\$1,500,000
Fire Protection	500,000		
Security	250,000		
Building Maintenance	858,000	Building and Street Maintenance	1,200,000
Roads and Grounds Maintenance	1,242,000	Grounds Maintenance	500,000
Utilities	800,000	Utilities	500,000
Personal Property Maintenance	0	Cooperative Agreement and Personal Property Maintenance	250,000
Telephone Cable Maintenance	0	Telephone Cable Maintenance	50,000
Cooperative Agreement Management	100,000		
<b>Total</b>	<b>\$4,000,000</b>		<b>\$4,000,000</b>

5. The subject Modified Cooperative Agreement term is October 1, 1998 through September 30, 1999. As such, this resolution should be amended to provide for retroactivity.

- Recommendations:**
1. Amend the proposed resolution to provide for retroactivity.
  2. Approval of this proposed resolution, as amended, is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS  
BUDGET ANALYST

## FY97-98 Actual Expenses

Total	5,052,008.53
Salaries & fringe	492,110.96
travel	677.24
training	925.00
field exp	627.54
membership	250.00
Special Event Support	17,707.16
Prof & Spec	830,552.00
DPW	1,032,319.21
PUC	800,000.00
Police	500,000.00
Fire	1,030,000.00
Bldg Maintenance	48,065.50
Equipment Maintenance	578.44
Equipment Leases	7,406.55
Utilities	16,177.51
Current Expenses	3,153.17
Materials & Supplies	17,201.52
Insurance	5,403.75
Equipment	19,206.60
City Planning	125,000.00
City Attorney	100,000.00
Purchasing - repro	4,648.38





Item 3 – File 98-1720

**Department:** Art Commission

**Item:** Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for Street Artists certified by the Art Commission, for the winter holiday season 1998, beginning on November 15, 1998 and ending on January 15, 1999.

**Description:** In November of 1975, San Francisco voters adopted the Street Artists Ordinance which authorizes the Board of Supervisors, by resolution, to designate selling spaces where any street artists or craftpersons certified by the Art Commission can sell their products.

In July of 1983, the Board of Supervisors approved an ordinance to amend the Police Code Section 2405 to add a provision that would authorize the Board of Supervisors to exempt designated areas from regulations.

The proposed resolution would authorize the Board of Supervisors to temporarily designate 59 selling spaces for street artists certified by the Art Commission for the two month holiday season, beginning November 15, 1998 and ending January 15, 1999. Of the 59 proposed spaces, listed below, 52 are located downtown and 7 are located in the Harvey Milk Plaza at Market and Castro Streets.

<u>Number of Spaces</u>	<u>Location</u>
12	Market Street, south side, 4 <sup>th</sup> to 5 <sup>th</sup> Streets
5	Market Street, north side, Montgomery to Kearny Streets
2	Market Street, north side, Grant to Kearny Streets
10	Market Street, north side, Battery to Sansome Streets
5	Stockton Street, west side, Post to Sutter Streets
1	Stockton Street, east side, Post to Sutter Streets
6	Stockton Street, east side, O'Farrell to Geary Streets
3	Stockton Street, east side, Market to O'Farrell Streets
1	Post Street, south side, Grant to Kearny Streets
5	California Street, north side, Sansome to Montgomery Streets
2	California Street, south side, Sansome to Montgomery Streets
3	Harvey Milk Plaza – upper level
<u>4</u>	Harvey Milk Plaza – lower level
59	Total

BOARD OF SUPERVISORS  
BUDGET ANALYST

This subject resolution would also exempt 19 of the 59 proposed temporary selling spaces from Police Code Section 2405 which would otherwise prohibit artists from selling products at those 19 locations, as identified in the subject legislation.

**Comments:**

1. According to Mr. Howard Lazar, the Board of Supervisors has approved temporary selling spaces for artists during the winter holiday season for each of the last 16 years.

2. Mr. Lazar advises that the Art Commission held two public hearings on the 59 proposed temporary selling spaces, and there was no opposition to designating such spaces for artists certified by the Art Commission.

3. Mr. Lazar notes that certificates are issued for a quarter or one year, for a fee of \$87.50 and \$350 respectively. A certificate permits a Street Artist to sell his or her products at a designated selling space and certifies that a Street Artist has been approved by the Art Commission. Mr. Lazar reports that there are currently 416 certified Street Artists, of which no more than 200 are active on a given day throughout the entire City. Mr. Lazar states that approximately \$144,556 in certificate fee revenues were generated in FY 1997-98.

**Recommendation:**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Item 4 – File 98-1776

**Department:** Public Utilities Commission PUC

**Item:** Ordinance approving the contract between the City and the U.S. Department of Energy Western Area Power Administration (WAPA) for the delivery of low cost electrical power by WAPA to the City to meet the PUC's responsibility to provide all electrical power to Treasure Island; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving the requirement of Section 6.57 of the Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirements of Section 21.10-1 of the Administrative Code that every contract contain a statement regarding guaranteed maximum costs.

**Description:** The City is currently providing operations and maintenance services at Treasure Island and Yerba Buena Island under a multi-year Cooperative Agreement with the U.S. Navy. The Cooperative Agreement with the Navy was approved by the Board of Supervisors in August, 1997 (File 244-97-4). As required under the Federal Base Closure and Realignment Act, the City is the local reuse authority for the Treasure Island Naval Station. As the local reuse authority, the City acts as the entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of Treasure Island Naval Station for the public interest, convenience, welfare, and common interest of the citizens of San Francisco. Since October 1, 1997, the City's Public Utilities Commission has been providing electrical power to Treasure Island and Yerba Buena Island.

Under the Federal Base Closure and Realignment Act, the United States Department of Energy makes low-cost Federal electrical power available to support economic development for the conversion of military bases. Since October, 1997 the Navy has been purchasing such Federal power from WAPA on behalf of the PUC in order to supply

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

electrical power to Treasure Island and Yerba Buena Island. However, according to Mr. Larry Klein, General Manager of Hetch Hetchy, Naval personnel are no longer available to perform this function, and it is therefore necessary for the PUC to execute a contract with the United States Department of Energy enabling the PUC to purchase such power directly from WAPA in order that the City may continue to receive the benefits of the low cost Federal electrical power. This proposed contract would extend the City's ability to purchase such low cost Federal electrical power through September 30, 2004.

The cost of Federal electrical power under this program is \$0.021 per kilowatt hour. At that price, the cost to the PUC of providing sufficient electrical power to Treasure Island and Yerba Buena Island to meet current needs is approximately \$202,000 annually.

If the PUC were not able to purchase Federal electrical power at a cost of \$0.021 per kilowatt hour, the PUC would have to purchase wholesale electrical power on the spot market at a cost of \$0.03 to \$0.035 per kilowatt hour, depending on the season, according to Ms. Laurie Park, of the PUC. Procurement of electrical power on the spot market would result in an annual cost for the provision of electrical power to Treasure Island and Yerba Buena Island of approximately \$313,000, or \$111,000 more than the annual cost of the Federal electrical power which is to be procured through the contract proposed in this proposed ordinance.

Ms. Theresa Mueller of the City Attorney's Office states that the contract with the Department of Energy requires that the City indemnify and hold harmless the United States against claims arising from the activities of the City. Therefore, this proposed ordinance includes such an indemnification provision. Ms. Mueller states that the proposed indemnification provision poses minimal risk to the City.

The Administrative Code requires all contracts to contain language regarding the consequences of submitting false claims to the City (Section 6.57) and a guaranteed

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

maximum cost under a contract (Section 21.10-1). This proposed ordinance would waive such requirements. According to Ms. Mueller, the Department of Energy insists on using their standard contract language for this contract and such language does not include the provisions that are required by the Administrative Code Sections 6.57 and 21.10-1. Ms. Mueller adds that, since the City is easily able to verify the amounts of electrical power that is purchased and a contract price per kilowatt hour is stipulated in the contract, the language regarding the consequences of submitting false claims to the City is unnecessary.

Similarly, according to Ms. Mueller, there is no need for a contract maximum, as required by Section 21.10-1 of the Administrative Code. In approving the contract, the Public Utilities Commission has stipulated, in the approved PUC resolution, that total expenditures through the contract term ending on September 30, 2004 shall not exceed \$2,500,000. As noted above, the PUC's current annual cost for the purchase of Federal electrical power is approximately \$202,000. Over the six year period of the contract, at current rates of expenditure, the PUC would pay a total of approximately \$1,212,000, or less than one half of the \$2,500,000 maximum expenditure set by the PUC resolution. The maximum expenditures for the purchase of electrical power of \$2,500,000 therefore allows for increased consumption of electrical power in the future.

**Recommendation:** Approve the proposed ordinance.





Items 5 and 6-- Files 98-1765 and 98-1766

**Department:** Department of Public Works (DPW)  
Department of Real Estate (DRE)

**Items:** File No. 98-1765

Resolution declaring the intention of the Board of Supervisors to vacate and sell a portion of 23<sup>rd</sup> Street located on the west side of Pennsylvania Avenue, setting the hearing date for all persons interested in the proposed vacation and sale, making findings of General Plan conformance and consistency with the Planning Code Section 101.1, and authorizing other official actions in connection therewith.

File No. 98-1766

Ordinance ordering the vacation and sale of a portion of 23<sup>rd</sup> Street located on the west side of Pennsylvania Avenue, adopting findings of General Plan conformance and consistency with the Planning Code Section 101.1, and authorizing other official actions in connection therein.

**Description:** The San Francisco Food Bank (the "Food Bank"), is a non-profit organization located at 900 Pennsylvania Avenue that, according to Food Bank Operations Manager David Goodman, distributes donated food to more than 400 human service organizations in the City and County of San Francisco. The land on which the Food Bank has constructed a new warehouse facility, at 900 Pennsylvania Avenue, was donated by PG&E. Mr. Goodman states that the Bechtel Foundation managed the construction of the new facility. Mr. Goodman also states that construction of the project was completed in June of 1997.

In November of 1953, the City vacated much of the 23<sup>rd</sup> Street right-of-way west of Pennsylvania Avenue, retaining the Subject Area as a stub end of 23<sup>rd</sup> Street (Resolution 13873). The property was thereafter an undeveloped street, and provided no vehicular access to Mississippi Street to the west. According to the Department of Public Works (DPW), the Subject Area is approximately 1,170 square feet in size and has no

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

potential use except for access to underground utilities  
(see comment No. 2).

In November of 1996, the Food Bank requested that the City vacate a portion of 23<sup>rd</sup> Street located on the west side of Pennsylvania Avenue (the "Subject Area"-- Attachment I) for use by the Food Bank as a driveway and landscaped area connected to the warehouse facility.

Comments:

1. In a letter dated December 24, 1996, the City Planning Department found that (a) development of the Subject Area would permit the Food Bank to better serve its clients, (b) the project is in conformity with the General Plan, and (c) the project is categorically exempt from Environmental Review. In addition, the letter noted that the project has been reviewed for consistency with the Eight Priority Policies of Planning Code Section 101.1.

2. In a letter dated October 15, 1998, from the Department of Real Estate (DRE) to the Board of Supervisors, the DRE states that "the street area to be vacated is no longer needed for present or prospective street purposes under the condition that a public utility easement be reserved for PG&E gas and electric facilities, and future utility installations by other parties." The proposed ordinance permitting the sale of the Subject Area to the Food Bank states the Subject Area is "ordered to be vacated conditioned upon the reservation of a public utility easement for the purpose of access for use, installation, maintenance, repair and replacement of existing PG&E gas and electric facilities as well as future utility installations by other parties." The DRE says that the Subject Area is already encumbered with such an easement, and language stating the perpetual existence of this easement will be included in the deed to the Food Bank.

3. According to Mr. Harry Quinn, Assistant Director of the DRE, the Subject Area has a fair market value of \$2,500.00. However, Mr. Quinn stated that the Director of DPW and the Director of DRE recommend that the property should be conveyed by the City to the Food Bank for \$1 because the Food Bank serves a significant public benefit to the City.

BOARD OF SUPERVISORS  
BUDGET ANALYST

4. In its October 15, 1998, letter to the Board of Supervisors, the DRE stated that the "vacated street area *would* (Budget Analyst's italics) serve as part of the driveway and landscaping" for the San Francisco Food Bank, the adjoining property owner. Further, the proposed resolution requests the Subject Area "be vacated and sold to the Food Bank *to be used* (Budget Analyst's italics) for driveway and landscaping purposes..." However, a site visit by the Budget Analyst found that the driveway and the landscaping for the Food Bank have already been completed prior to obtaining approval by the Board of Supervisors of this proposed legislation.

5. According to Mr. Quinn, although the DRE is responsible for obtaining approval from the Board of Supervisors for the proposed street vacation, the DRE is not responsible for authorizing development projects which require street vacations.

6. In response to this finding by the Budget Analyst, Tom Trimbur, Acting Manager of the DPW's Street-Use and Mapping, advised that the DPW did not obtain approval by the Board of Supervisors for the vacation and sale of the Subject Area prior to permitting the Food Bank's development of the Subject Area. In his memo to the Budget Analyst dated October 30, 1998, Mr. Trimbur stated that "Vacating and selling the right-of-way would have required at least six months and would have significantly delayed the opening of the Food Bank. Other means of access were possible but would have been costly and would have diverted funds from the mission of the Food Bank."

Mr. Trimbur also stated that if the Board of Supervisors does not approve the proposed resolution and ordinance, "the Food Bank would be forced to gain access by costly alternative means."

**Recommendation:** Approval of the proposed resolution and ordinance is a policy decision for the Board of Supervisors since the DPW permitted development of the Subject Area in anticipation of the proposed vacation and sale action but without first obtaining approval by the Board of Supervisors.

  
Harvey M. Rose

cc: Supervisor Yaki	Clerk of the Board
Supervisor Katz	Controller
Supervisor Leno	Gail Feldman
President Kaufman	Matthew Hymel
Supervisor Ammiano	Stephen Kawa
Supervisor Bierman	Ted Lakey
Supervisor Brown	
Supervisor Medina	
Supervisor Newsom	
Supervisor Teng	
Supervisor Yee	

BOARD OF SUPERVISORS  
BUDGET ANALYST

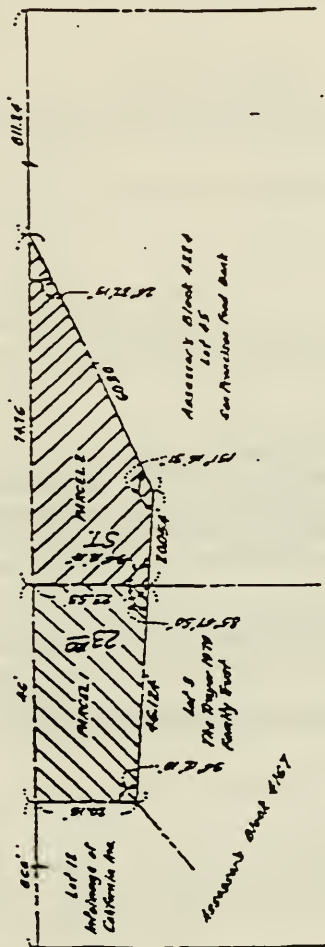
Date	12-19	8:00pm	1
From	JOHN COREY		
To			
Phone #			
Fax #			
Post-it® Fax Note		7071	
To STEPHEN SHOLLAND			
Co. Rept.			
Phone #			
Fax #		550-6426	



PENNSYLVANIA AVE.

25 25

15 88 22



041677

Auto/10-Street Area Agreement to be Vested.

Autumn 8-Street Lane, Richmond, N. S. W.

Property Ltd.

BY	DATE	CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS  PROPOSED VACATION OF A PORTION OF 23 <sup>RD</sup> ST. ON THE WEST SIDE OF PENNSYLVANIA ST.	FILE SCALE 1" = 20' SHEET 1 OF 1 CITY ENGINEER DATE APPROVED SUR 1196
REC	11/19/14		
REC	11/19/14		
TH			
CEL			
APP.			

REFERENCES	DATE		BY
	MM	DD	
TABLE OF CHANGES			
FOR THE MONTH OF			
FOR THE YEAR			

City and County of San Francisco



Willie Lewis Brown, Jr., Mayor  
Mark A. Primeau, AIA, Director and City Architect



Attachment II  
(415) 554-5800  
FAX (415) 554-5843  
<http://www.sfdpw.com>

Department of Public Works  
Bureau of Street-Use and Mapping  
875 Stevenson Street, Room 460  
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

October 29, 1998

Board of Supervisors  
Budget Analyst  
1390 Market Street, Suite 1025  
San Francisco, CA 94102

Attention: Richard Raya

RE: The San Francisco Food Bank  
900 Pennsylvania Avenue

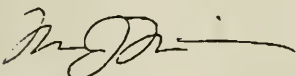
Dear Mr. Raya:

In May of 1996 the Department of Public Works was approached by the San Francisco Food Bank which wanted to acquire a small piece of City land for a driveway for the Food Bank (see attached letter). Vacating and selling the right-of-way would have required at least six months and would have significantly delayed the opening of the Food Bank. Other means of access were possible but would have been costly and would have diverted funds from the mission of the Food Bank.

Should the Board not approve this action, the Food Bank would be forced to gain access by costly alternative means.

We recommend the Board of Supervisors vacate this property and transfer it to the Food Bank.

Sincerely,

  
for Barbara Moy  
Bureau Manager  
Street-Use and Mapping

Attachment

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement





City and County of San Francisco  
Meeting Minutes - DRAFT  
Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

Clerk: Gail Johnson

Veterans Building  
401 Van Ness Avenue,  
Room 308  
San Francisco, CA  
94102-4532

Tuesday, November 03, 1998

10:00 AM

Veterans Building  
401 Van Ness Ave., Room 410  
San Francisco, CA 94102

**Regular Meeting**

Members Present: Michael Yaki, Leslie Katz, Mark Leno.

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**Meeting Convened**

Meeting Convened at 10:04 a.m.

**981475 [Contract Modification - Municipal Railway]**

Resolution authorizing the Municipal Railway, through the Purchaser, to enter into Contract Modification No. 7 with Breda Costruzioni Ferroviarie, S.p.A. for design changes not to exceed \$2,953,707. (Public Transportation Commission)

9/2/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

10/20/98, CONTINUED. Heard in Committee. Continued to November 3, 1998.

Heard in Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Yaki, Katz, Leno

**981751 [Treasure Island Development Authority]**

Mayor

Resolution approving and authorizing the Treasure Island Development Authority to enter into a Cooperative Agreement with the Navy whereby the Treasure Island Development Authority will assume certain responsibilities regarding the operation and maintenance of Treasure Island, and the Navy will reimburse the Authority for the costs therefor.

10/19/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

Heard in Committee. Amended on page 1, line 2, after "authorizing," and on page 3, line 4, after "and," by adding "retroactively."

AMENDED.

Resolution approving and authorizing, retroactively, the Treasure Island Development Authority to enter into a Cooperative Agreement with the Navy whereby the Treasure Island Development Authority will assume certain responsibilities regarding the operation and maintenance of Treasure Island, and the Navy will reimburse the Authority for the costs therefor.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Yaki, Katz, Leno

## 981720 [Street Artist Selling Spaces]

Supervisors Teng, Bierman, Katz,  
Yaki

Resolution designating temporary selling spaces in the downtown area and at Harvey Milk Plaza for street artists certified by the Art Commission, for the winter holiday season, 1998, beginning on November 15, 1998 and ending on January 15, 1999.

10/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Katz and Yaki added as co-sponsors.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

## 981776 [Contract for Electric Service, Treasure Island]

Ordinance approving the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 981776; and approving indemnifying and holding harmless United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 6.57 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.10-1 of the San Francisco Administrative Code that every contract contain a statement regarding guaranteed maximum costs. (Public Utilities Commission)

10/21/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

## 981765 [Intent to Vacate and Sell - Portion of 23rd Street]

Resolution declaring intention of the Board of Supervisors to vacate and sell a portion of 23rd Street located on the west side of Pennsylvania Avenue, setting the hearing date for all persons interested in the proposed vacation and sale, making findings of general plan conformance and consistency with Planning Code Section 101.1, and authorizing other official actions in connection therewith. (Real Estate Department)

(Companion measure to File 981766.)

10/16/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Amended on page 3, lines 1 and 2, to set public hearing before the Board for December 7, 1998, at 3:00 p.m.*

**AMENDED.**

Resolution declaring intention of the Board of Supervisors to vacate and sell a portion of 23rd Street located on the west side of Pennsylvania Avenue, setting the hearing date (of December 7, 1998, at 3:00 p.m.) for all persons interested in the proposed vacation and sale, making findings of general plan conformance and consistency with Planning Code Section 101.1, and authorizing other official actions in connection therewith. (Real Estate Department)

(Companion measure to File 981766.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981766 [Vacation and Sale - Portion of 23rd Street]**

Ordinance ordering the vacation of a portion of 23rd Street located on the west side of Pennsylvania Avenue, and authorizing other official actions in connection therewith. (Real Estate Department)

(Companion measure to File 981765.)

10/16/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*To Board Without Recommendation for consideration on December 7, 1998.*

**REFERRED WITHOUT RECOMMENDATION** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

**Adjournment**

*Meeting Adjourned at 11:00 a.m.*



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1/2/98

CITY AND COUNTY



OF SAN FRANCISCO

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

November 10, 1998

**TO:** Economic Development, Transportation and Technology Committee

**FROM:** Budget Analyst *Recommendations for meeting of*

**SUBJECT:** November 12, 1998 Special Economic Development, Transportation and Technology Committee Meeting

Item 2 - File 98-1292

**Note:** This item was continued by the Economic Development, Transportation and Technology Committee at its meeting of September 15, 1998.

**Department:** Police Department

**Item:** Ordinance amending Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code (Police Code) by adding Section 1147.9 thereto, to authorize the Chief of Police to establish a trial program for cab pooling.

**Description:** The proposed ordinance would amend Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code to add Section 1147.9, a new section. Section 1147.9 would establish a six month trial program for voluntary cab pooling along one or more routes designated by the Chief of Police after consulting with the Departments of Parking and Traffic and Public Transportation on the selection of routes. Under the proposed legislation, taxicab drivers who participate in the trial program may charge a flat rate for passengers riding between points along the designated route, and may solicit more than one fare along the route. According to the Office of the Sponsor of the proposed ordinance, the primary purpose of

the proposed program is to facilitate the procurement of taxicab transportation along designated routes in the City. The Sponsor's Office also notes that the program may: (1) extend transportation service to areas of the City that would otherwise not receive such service; and, (2) reduce motor vehicle pollution in the City because more than one rider in a taxicab eliminates the need for multiple taxicab rides.

According to the proposed ordinance, the Chief of Police may also adopt reasonable rules and regulations to carry out this trial program.

The proposed ordinance also contains a provision that requires the Chief of Police to report back to the Board of Supervisors at the end of the six month trial program on the feasibility of a permanent cab-pooling program.

Comments:

1. Mr. Gerald Robbins of the Department of Parking and Traffic (DPT) advises that the proposed program will require the construction of at least two street signs, announcing the starting and ending points of the yet to be determined taxicab route. Mr. Robbins estimates that the cost of such street signs would be approximately \$200, or \$100 per street sign. According to Mr. Robbins, if the proposed program includes more than one taxicab route, the DPT will also be required to place street signs along such routes.

2. Officer Farrell Suslow of the Police Department reports that proposed ordinance may increase the number of requests for taxicab complaint investigations filed to the Police Department. However, Officer Suslow estimates that the costs associated with such investigations will have a minimal fiscal impact on the Police Department budget.

Recommendation: Approve the proposed ordinance.



Item 5 - File 98-1381

**Department:** Tax Collector

**Item:** Ordinance amending Part II, Chapter VIII, Article 16 of the Police Code by adding Section 1124.5, establishing procedures for taxicab drivers to petition for employee status and prohibiting independent contractors as drivers upon acceptance of such a petition.

**Description:** The proposed ordinance provides that any person may submit to the Board of Supervisors a petition signed by more than 50 percent of all full-time and regular part-time licensed taxicab drivers in the City, other than taxicab permit-holders, stating that the signers wish to drive as employees of the taxicab companies. According to Deputy City Attorney Thomas Owen, acceptance of a petition by the Board of Supervisors would prohibit drivers (with the exception noted in the proposed legislation for permit holders) from working as independent contractors for taxicab companies, and creates a presumption that drivers who are hired by taxicab companies are considered to be employees of the taxicab companies. Mr. Owen advises that further steps may then be taken by the taxicab companies to confirm this employee status, such as entering into a written, verbal or oral contract of employment with the driver.

According to Mr. Owen, if the proposed legislation is approved, any driver (with the exception of permit holders) of a taxicab company must be an employee of a taxicab company and not an independent contractor, once a petition as described above is presented to the Board of Supervisors. Mr. Owen advises that the City's authority to enact such legislation stems from the police powers within the California Constitution which provide that a City may adopt police powers to ensure the public health, safety and welfare of its citizens.

By way of background, the law does not presently stipulate whether taxicab drivers should be categorized as independent contractors or as employees of individual taxicab companies. If they are classified as independent contractors, they would be required to register with the

**BOARD OF SUPERVISORS**  
BUDGET ANALYST

Tax Collector and pay the appropriate Business Tax Registration Certificate Fee and Gross Receipts Tax. If they are classified as employees, the taxicab company with which they are associated would be required to pay the City's annual Business Registration Fee and pay the amount of annual San Francisco business taxes owed, which is either Payroll Taxes or Gross Receipts Taxes, whichever is greater. Businesses subject to the City's Payroll/Gross Receipt Taxes must pay the higher of either 1.5 percent of their total payroll or, \$3.00 per \$1,000 of gross receipts (0.3 percent), except for businesses with a calculated tax liability of \$2,500 or less which are exempt from this tax.

The Budget Analyst's Management Audit of the Tax Collector's Office in April 1995, noted that the Tax Collector had not determined whether taxicab drivers should be classified as employees or independent contractors for the purpose of the taxicab companies paying the City's business taxes. As a result, taxicab companies were not including either the taxicab driver receipts (i.e. receipts were not included in calculating the Gross Receipts Tax) or the drivers' payroll costs in calculating Payroll Taxes owed to the City, and taxicab drivers themselves were not registering as independent contractors and therefore were not paying the City the annual Business Registration Fees. Further, the taxicab drivers were not paying to the City either the Gross Receipts or the Payroll Taxes which might be due to the City. The Budget Analyst reported that depending on whether taxicab drivers were classified as independent contractors or as employees, it was estimated that the Tax Collector would realize additional annual Business Tax Revenues (either Gross Receipts Tax, Payroll Taxes or Business Registration Fees) of \$702,750 to \$1,376,700.

In August 1996, the Tax Collector issued a report to the Mayor's Office in response to the issues raised in the Budget Analyst's Management Audit. The Tax Collector considered various alternatives and options for clarifying the status of taxicab drivers, including classifying taxicab drivers as employees. The Tax Collector recommended that, in lieu of classifying drivers as either independent contractors or employees, the City should impose a special

fee of \$1.00 per day per shift on taxicab drivers for the rental of the taxicab. Taxicab companies would collect the special cab rental fees from the taxicab drivers on behalf of the City and remit the fees accordingly. According to the Tax Collector's report, the special cab rental fee of \$1.00 would result in estimated additional annual revenues to the City of up to \$624,150. However, the Tax Collector stated that if taxicab drivers are considered to be employees of the taxicab companies, then instead of the special cab rental fee, the Tax Collector would require taxicab companies to report all driver earnings as part of the payroll of the companies in accordance with Ordinance No. 275-70, Article 12A, Part III of the Municipal Code for purposes of computing the Payroll Tax liability which may be due to the City from taxicab companies.

**Comments:**

1. According to the Tax Collector, Mr. Richard Sullivan, if the proposed ordinance were approved, the Tax Collector would require taxicab companies to report all driver earnings as part of the computation of Payroll Taxes owed by the taxicab companies to the City. Mr. Sullivan states that the Tax Collector estimates that the City would realize \$769,500 in additional annual revenues from Payroll Taxes. The Tax Collector's estimate takes into account payroll from the large number of part-time taxicab drivers operating in the City as well as the payroll from full-time taxicab drivers.

2. According to the Sponsor's Office, the Mayor's Taxi Taskforce voted to support the proposed ordinance in March of 1998. The Mayor's Taxi Taskforce includes representatives from taxicab companies, drivers, the Hotel Council, United Parcel Service, the Golden Gate Restaurant Association, the Redevelopment Commission, the Small Business Commission, and various City departments, including the City Attorney, Muni, Police and the Department of Parking and Traffic.

3. According to Mr. Nathan Dwiri of Yellow Cab Taxicab Company, taxicab drivers themselves currently have the option to be either independent contractors or employees. Mr. Dwiri states that drivers and taxicab companies may come to an agreement to classify drivers, on an individual

basis as either independent contractors or employees. Mr. Bill Lazar of the Luxor Taxicab Company agrees that Luxor taxicab drivers currently have the option to be either independent contractors or employees.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Item 6 – File 98-1040

**Note:** This item was continued by the Economic Development, Transportation and Technology Committee at its meeting of September 15, 1998.

**Department:** Police Department

**Item:** The proposed ordinance would amend Part II, Article 16, of the Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance.

**Description:** The proposed ordinance would amend Part II, Chapter VII, Article 16 of the San Francisco Municipal Code to add Section 1135.2, a new section. Section 1135.2 would prohibit Taxicab permit-holders from charging a taxicab lease fee of more than \$1,800 per month for the privilege of operating under their permit, whether the fee were set as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose. Presently, there is no cap in effect on taxicab lease fees.

The proposed ordinance would authorize the Chief of Police to adopt regulations to carry out the provisions contained therein. Violation of any provision of the proposed ordinance, or any regulation adopted pursuant to it, would be cause for revocation or suspension of any permit granted to the violator by the City and County related to the operation of taxicabs or other motor vehicles for hire.

The provisions of the proposed ordinance would expire 24 months after the date that this proposed ordinance is approved by the Board of Supervisors. After expiration of the proposed ordinance, the proposed \$1,800 cap on Taxicab lease fees would no longer be in effect.

**Comments:** 1. The proposed cap on taxicab lease fees is based on recommendations of the Mayor's Taxi Task Force, which issued its report on April 21, 1998. The Mayor's Taxi Task Force consists of the Mayor as Chair, a member of the Board of Supervisors as Co-Chair, and 27 members appointed by the Mayor representing the Taxicab

BOARD OF SUPERVISORS  
BUDGET ANALYST



companies, Taxicab Drivers Association, Taxicab Drivers, private businesses, the San Francisco Police Department, the City Attorney's Office, the Department of Parking and Traffic, MUNI, and the Airport.

2. According to Officer Farrell Suslow of the Police Department, presently there are 981 Taxicab permits, and the wait-time to purchase a permit from the City is over 11 years because permits only become available upon the death of a permit holder. Typically, persons wishing to operate a taxicab who are unable to obtain a permit do so using one of two methods: 1) driving a vehicle owned and operated by a taxicab management company and paying an associated gate fee (a gate fee is a payment made by a driver of a taxicab to the owner of that taxicab for the privilege of driving that taxicab) or 2) driving his or her privately owned vehicle and leasing a permit from an individual permit holder. Officer Suslow reports that drivers currently may pay as high as \$4,000 per month for the lease of a taxicab permit. However, Officer Suslow also reports that the Police Commission has authorized 1,381 Taxicab permits for FY 1998-99, or 400 more than the 981 Taxicab permits authorized for FY 1997-98 and that the issuance of such additional permits may result in a reduction in the cost of leasing a permit. According to the Office of the Sponsor, 175 of these additional permits, including 100 peak time permits, 50 disabled accessible permits and 25 regular full-time permits are to be issued within 60 days of the Police Commission order to issue such permits. The remaining 225 permits (400 total less 175) are to be issued by the Police Commission at a later date.

3. Officer Suslow advises that the proposed legislation would be difficult to enforce as transactions between drivers and permit owners are typically carried out in cash and without notification to the Police Department.

4. Officer Suslow reports that the proposed ordinance may increase the number of requests for investigations filed with the Police Department. However, he is unable to provide an estimate of the fiscal impact of the potential increased costs resulting from this proposed ordinance.



5. According to this proposed ordinance, the ordinance would not become effective unless the Board of Supervisors approves pending legislation (File 98-761 - see Item 7 of this report to the Economic Development, Transportation and Technology Committee) to place a cap of an average of \$9 per hour on the gate fees paid by taxicab drivers. According to Officer Suslow, there is currently no cap on taxicab gate fees.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Item 7 – File 98-761

**Note:** This item was continued by the Economic Development, Transportation and Technology Committee at its meeting of September 15, 1998.

**Department:** Police Department

**Items:** Ordinance amending Part II, Chapter VIII, Article 16 of the Police Code by adding Section 1135.1 setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance.

**Description:** The proposed ordinance would amend Part II, Chapter VIII, Article 16 of the San Francisco Municipal Code to add Section 1135.1, a new section. Section 1135.1 would prohibit taxicab companies from charging taxicab drivers a mean, or “average”, gate fee of more than \$9 per hour for the privilege of driving a particular taxicab during a particular shift, whether the fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a specified fare for any other purpose. Under the proposed legislation, the average gate fee would be determined by adding together the gate fees charged by taxicab companies for all available shifts during one week and dividing that total by the number of available shifts during the week.

The proposed ordinance would authorize the Chief of Police to adopt regulations to carry out the provisions contained therein. Violation of any provision of the proposed ordinance, or any regulation adopted pursuant to it, would be cause for revocation or suspension of any permit granted to the violator by the City and County related to the operation of taxicabs or other motor vehicles for hire, such as sightseeing buses and limousines.

The provisions of the proposed ordinance would expire 24 months after the date that this proposed ordinance is approved by the Board of Supervisors. After expiration of the proposed ordinance, the proposed \$9 per hour cap on taxicab gate fees would no longer be in effect.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

**Comments:**

1. The proposed cap on taxicab gate fees is based on recommendations of the Mayor's Taxi Task Force, which issued its report on April 21, 1998. The Mayor's Taxi Task Force consists of the Mayor as Chair, a member of the Board of Supervisors as Co-Chair, and 27 members appointed by the Mayor representing the Taxicab companies, Taxicab Drivers Association, Taxicab Drivers, private businesses, the San Francisco Police Department, the City Attorney's Office, the Department of Parking and Traffic, MUNI, and the Airport.

2. Officer Farrell Suslow of the Police Department reports that the average gate fee<sup>1</sup> is currently \$90 per shift or \$9 per hour. Under the proposed ordinance, the average gate fee would be effectively frozen at \$90 per shift or \$9 per hour, for a period of 24 months, at which time the proposed ordinance would expire.

3. Officer Suslow reports that the proposed ordinance may increase the number of requests for compliance investigations filed with the Police Department. However, he is unable to provide an estimate of the fiscal impact of the potential increased costs resulting from the proposed ordinance.

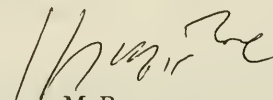
4. Pending legislation (File No. 98-1040 – see Item 6 of this report to the Economic Development, Transportation and Technology Committee) to place a cap of \$1,800 per month on the permit lease fees paid by taxicab companies may not take effect unless and until this proposed ordinance setting a cap on gate fees is approved by the Board of Supervisors.

**Recommendation:**

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

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<sup>1</sup> Determined by adding together the gate fees charged by taxicab companies for all available shifts during one week and dividing that total by the number of available shifts during the week.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey







City and County of San Francisco  
Meeting Minutes - DRAFT  
Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

Clerk: Gail Johnson

Veterans Building  
401 Van Ness Avenue,  
Room 308  
San Francisco, CA  
94102-4532

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Thursday, November 12, 1998

11:00 AM

Veterans Building, Legislative Chamber,  
401 Van Ness Ave., Room 404  
San Francisco, CA 94102

Special Meeting

Members Present: Michael Yaki, Leslie Katz, Mark Leno.

Govt. Information Center  
41 MAIN LIBRARY  
100 Larkin Street

Meeting Convened

Meeting convened at 11:26 a.m.

980972 [Mayor's Taxi Task Force Recommendations]

Supervisor Newsom

Hearing to consider plans of the Department of Parking and Traffic, Airport and Police Taxi Detail, if any, for pursuing recommendations of the Mayor's Taxi Task Force which require department action.

6/8/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

9/15/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.

Heard in Committee.

FILED by the following vote:

Ayes: 3 - Yaki, Katz, Leno

981292 [Cab Pooling Trial Program]

Supervisor Newsom

Ordinance amending Police Code by adding Section 1147.9 to authorize the Chief of Police to establish a trial program for cab pooling.

(Adds Section 1147.9.)

8/3/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

9/15/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.

Heard in Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Yaki, Katz, Leno

980909 [Tobacco Advertising on Taxicabs]

Supervisor Newsom

Ordinance amending the Police Code by adding Section 1147.7, prohibiting advertising of tobacco products on taxicabs.

(Adds Section 1147.7.)

6/1/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

9/15/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.

Heard in Committee.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending the Police Code by adding Section 1147.7, prohibiting advertising of tobacco products on taxicabs, effective September 1, 1999.

(Adds Section 1147.7.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

981723 [Ramp Taxi]

Supervisor Newsom

Hearing to examine the possibility of reducing the commitment necessary for driving a ramp taxi from 10 years to 5 years.

10/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

981381 [Taxicab Drivers Petition for Employee Status]

Supervisor Newsom

Ordinance amending Police Code by adding Section 1124.5, establishing procedures for taxicab drivers to petition for employee status and prohibiting independent contractors as drivers upon acceptance of such petition.

(Adds Section 1124.5.)

8/17/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/16/1998.

*Heard in Committee.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

981040 [Taxicab Lease Fees]

Supervisor Newsom

Ordinance amending Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, and providing effective and expiration dates for the ordinance.

(Adds Section 1135.2.)

6/22/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 7/22/1998.

9/15/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.

*Heard in Committee.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending Police Code by adding Section 1135.2, setting a cap on taxicab lease fees, authorizing regulations and penalties, the cap to become operative when Ordinance No. 188-98 fare increases become operative, requesting the Taxi Commission to report to the Board within nine months on the impact of this legislation, providing for expiration of the ordinance.

(Adds Section 1135.2.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**980761 [Taxicab Gate Fees]** Supervisor Newsom  
Ordinance amending Police Code by adding Section 1135.1, setting a cap on taxicab gate fees, authorizing regulations and penalties, and providing for expiration of the ordinance (twenty-four months after the effective date of the section).

(Adds Section 1135.1.)

5/11/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 6/10/1998.

9/15/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.

*Heard in Committee.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending Police Code by adding Section 1135.1, setting a cap on taxicab gate fees, authorizing regulations and penalties, the cap to become operative when Ordinance No. 188-98 fare increases become operative, requesting the Taxi Commission to report to the Board within nine months on the impact of this legislation, providing for expiration of the ordinance.

(Adds Section 1135.1.)

**RECOMMENDED AS AMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

### **Adjournment**

*Meeting adjourned at 2:48 p.m.*



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1/17/98

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CITY AND COUNTY OF SAN FRANCISCO



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## BOARD OF SUPERVISORS

BUDGET ANALYST

1390 MARKET STREET, SUITE 1025

SAN FRANCISCO, CALIFORNIA 94102 • TELEPHONE (415) 554-7642

November 13, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** November 17, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 2 – File 98-1784

**Department:** Public Utilities Commission (PUC)

**Item:** Resolution approving an agreement between the City, through the PUC, and the Port of Oakland for interconnection with the Davis Substation for the delivery of electrical power to Treasure Island and approving the ten year initial term of the agreement and the continuation of the agreement after ten years unless terminated by one of the parties.

**Amount:** In the first year, \$37,500. The annual payment would increase in future years by a percentage equivalent to one-third of the percentage increase in the San Francisco - Oakland - San Jose Consumer Price Index (CPI).

**Source of Funds:** Funds for this purpose are appropriated in the FY 1998-99 Public Utilities Commission Hetch Hetchy operating budget.

**Term of Agreement** The proposed agreement will become effective on approval of this resolution by the Board of Supervisors and will expire on September 30, 2008, or approximately nine years and 10 months.

**Description:** On November 3, 1998, the Economic Development, Transportation and Technology Committee recommended approval of an Ordinance (File 98-1776) approving the contract between the City and the U.S. Department of Energy Western Area Power Administration (WAPA) for the delivery of low cost electrical power by WAPA to the City to meet the PUC's responsibility to provide all electrical power to Treasure Island. That ordinance was passed on first reading by the Board of Supervisors on November 9, 1998. Adoption of that ordinance will result in the continuation of savings to the City, amounting to an estimated \$111,000 annually for at least five years.

Since October, 1997 the Navy has been purchasing such Federal power from WAPA on behalf of the PUC in order to supply electrical power to Treasure Island. However, Naval personnel are no longer available to perform this procurement function on behalf of the PUC, and it is therefore necessary for the PUC to execute a contract with the United States Department of Energy enabling the PUC to purchase such power directly from WAPA, (rather than through the Navy) in order that the City may continue to receive the benefits of the low cost Federal electrical power. Such power is delivered to Treasure Island through the "Davis Substation", an electrical facility that operates transformers and other equipment necessary to convert high voltage electrical power to lower voltage so that it can be delivered to consumers for commercial, industrial and residential use. The Davis Substation is situated on the Oakland waterfront, on property that is leased to the Port of Oakland and is planned to be conveyed under an economic development conveyance to the Port of Oakland within one year.

This proposed resolution would approve an Interconnection Services Agreement with the Port of Oakland for the use of the Davis Substation in the delivery of electrical power to Treasure Island. The cost payable by the City to the Port of Oakland would be \$37,500 annually in the first year of the agreement. The annual payment would increase in future years by a percentage equivalent to one-third of the percentage increase in the San Francisco - Oakland - San Jose Consumer Price Index (CPI). Should the CPI increase by an amount greater than 10 percent in any single year, the agreement states that the Parties to the agreement (i.e. the City and the Port of Oakland) will "meet and discuss the increase" to the annual payment.



- Comment:**
1. The Davis Substation is currently used for the delivery of electrical power to Treasure Island and the Naval Fleet Industrial Supply Center which the Port of Oakland is in the process of acquiring under the Federal Base Closure and Realignment Act. The \$37,500 annual payment by the City that would be established under the proposed agreement was set based on a 50 percent share of the Davis Substation's operating, maintenance, administration, overhead and insurance costs.
  2. The proposed agreement includes a clause that would cause the City to be responsible for 50 percent of any extraordinary repair costs or costs resulting from uninsured losses. According to Ms. Laurie Park of the PUC, the Davis Substation facility is in an excellent condition and extraordinary repair costs are not considered likely. In the event of a catastrophic loss, the uninsured portion of the loss would be limited to a \$100,000 deductible amount currently carried under an insurance policy purchased by the Port of Oakland for the Davis Substation. Therefore, the City's liability would be limited to no more than \$50,000.
  3. The City would also be responsible for costs that would be required to increase the electrical power capacity of the Davis Substation, should additional capacity be required in the future. However, the current electrical power needs of Treasure Island are less than 10 percent of the capacity that would be available to the City under this agreement. Therefore, according to Ms. Park, additional costs for such an increase are highly unlikely over the term of the proposed agreement.

**Recommendation:** Approve the proposed resolution.



Item 5 – File 98-1599

**Department:** Department of Public Works (DPW)

**Item:** Ordinance approving the First Amended and Restated Automated Public Toilet and Public Kiosk Agreement between the City and JCDecaux San Francisco (formerly JCDecaux United Street Furniture, Inc.) which allows for the expansion of the Automated Public Toilet Program beyond the trial phase and amends the Agreement in several respects.

**Description:** The Automatic Public Toilet and Public Service Kiosk Agreement, previously approved by the Board of Supervisors on August 2, 1994, mandated a two-year trial period of 20 public toilets and 90 public service kiosks, or 4.5 kiosks for each public toilet, in accordance with the Agreement which states, "At any time during this Agreement, CONTRACTOR [JCDecaux] shall have the right to install, operate and maintain Public Service Kiosks at a ratio of no more than four and one-half (4.5) Public Service Kiosks for each one (1) Automatic Public Toilet provided pursuant to this Agreement." The trial period began January 17, 1997, upon completion of all permits and installations, and will end January 17, 1999.

Major provisions of the existing Agreement between the City and JCDecaux are as follows:

- JCDecaux will bear the entire cost of installing and maintaining the toilets and kiosks, at no cost to the City.
- The toilets require a 25¢ user fee to enter and use the facility, which accrues to JCDecaux, and JCDecaux is required to keep approximately 10,000 free tokens in circulation at all times for use by needy persons.
- In order to partially recover the City's costs to administer the program, JCDecaux pays the City an annual fee of \$25,000 for the first 27 toilets, adjusted each year by the rate of inflation. Additionally, JCDecaux must pay the City a one-time permit fee of \$350 for each toilet and for each kiosk to defray the cost of holding public hearings and determining specific locations for the toilets and kiosks.

- JCDecaux must pay the City 2 percent of the net revenues earned from the sale of advertising on the kiosks if such revenues exceed \$18,000 per kiosk annually for the first seven years of the program, and 5 percent of net advertising revenues if such advertising revenues exceed \$18,000 per kiosk beginning in the eighth year of the program, or, if the net advertising revenues exceed \$25,000 per kiosk, 7 percent of net advertising revenues beginning in the eighth year of the program.

According to the existing contract, at the end of the two year trial period on January 17, 1999, the City has the option to either terminate the program, and have the toilets removed at JCDecaux's expense<sup>1</sup>, or continue the program for the remaining 18 years of the contract. If the City chooses to continue the program, an additional seven toilets and 31 kiosks may be installed, and, at the City's option, a further additional 23 toilets and 104 kiosks, for an overall total of up to 50 toilets and 225 kiosks, for the same ratio of 1 toilet to 4.5 kiosks, in accordance with the Agreement. The City has the option to terminate the program after the two year trial period only if the Board of Supervisors makes a good faith determination that the toilet program has been unsuccessful due to excessive downtime, vandalism, or misuse of facilities.

According to Ms. Barbara Moy of DPW, DPW believes the Toilet Program has been successful because since the first installation, approximately 1.5 million flushes have been recorded, or an average of 86 flushes per toilet per day for 365 days per year, as of October of 1998. Free tokens, which are distributed through non-profit organizations to homeless and other needy persons unable to afford the 25 cent entry fee, were used for 32 percent of entries. Ms. Moy stated that the equipment has been well-maintained by JCDecaux and that there have been no reports of major problems. Ms. Moy advises that DPW has received requests from neighborhood advocates for additional toilets in parks and other areas, specifically in Haight

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<sup>1</sup> If the City were to exercise this option to terminate the program, the contract allows JCDecaux to continue selling advertising on installed kiosks for an additional three years in order to recover their capital investment.

Ashbury, South of Market, and Pioneer Park at Coit Tower.

The proposed ordinance would terminate the two year Trial Phase of the Agreement as of January 17, 1999, and would authorize the City to exercise its option to continue the program through the remaining 18 years of the Agreement.

Approval of this ordinance would result in the following changes under the First Amended and Restated Automatic Public Toilet and Public Kiosk Agreement:

- Increase the annual payment by JCDecaux to the City to cover administrative costs for the next two years by \$10,000, from \$25,000 to \$35,000, an increase of 40 percent.

As shown in Attachment 1, provided by Mr. Jake Szeto of DPW, the City's estimated administrative costs for the first year of the trial period from January 17, 1997 through January 16, 1998 were \$50,000 and are expected to be the same for the second year of the trial period. As such, the \$25,000 annual payment from JCDecaux to the City paid approximately one-half of the City's \$50,000 estimated annual cost of administering the program during the trial period.

As noted above, under the proposed Amended Agreement, the administrative fee to be paid by JCDecaux to the City would be increased for the next two years to \$35,000 in order to fund the City's additional administrative costs associated with the expanded installations of toilets and kiosks. As shown in Attachment 1, the City's estimated administrative costs for the next two years will be \$75,000 annually, or \$40,000 more than the \$35,000 annual payment by JCDecaux to the City.

Mr. Szeto reports that in the third contract year, beginning January 1, 2001, when most of the public hearings and permitting activities are complete, the annual payment due to the City from JCDecaux would return to \$25,000, adjusted by an annual CPI factor as required in the original Agreement. Beginning in the

third contract year and through the remaining 15 contract years, DPW estimates the administrative costs incurred by the City will be \$50,000, or \$25,000 more than the \$25,000 administrative fee to be paid by JCDecaux to the City.

- Expanding the hours of toilet operation from 6:00am to midnight to 24 hours per day.

The current Agreement limits the hours of toilet operation to 6:00 am to midnight. However, in April of 1998, JCDecaux and DPW cooperatively agreed to expand the hours of toilet operation to 24 hours. This proposed change would make the 24 hour operation of toilets a required provision of the Agreement.

- Increasing the number of free tokens distributed from 10,000 to 40,000 annually.

Currently, JCDecaux is required to maintain 10,000 free tokens in circulation at all time. However, according to Mr. Szeto, JCDecaux exceeds this requirement and currently has approximately 60,000 tokens in circulation, in response to demand from the nonprofit organizations that distribute the tokens. The proposed change would result in the requirement of 40,000 tokens in circulation.

- Changes to toilet locations, installation time frames, and other minor clarifications to Agreement provisions, as summarized in a letter from DPW to the Clerk of the Board.

Comments:

1. The term of the proposed Amended Agreement would commence when the Board of Supervisors has approved the subject ordinance through October 17, 2016, or approximately 18 years.

2. JCDecaux supplies, installs and maintains the subject public toilets and kiosks, at no cost to the City, with revenue generated by advertising on the kiosks. Currently, there are 90 kiosks each divided into three panels, with two panels of advertising facing the street. Of the 90 kiosks, 70 have a newsstand facing the sidewalk



in the third panel and 20 kiosks have public art facing the sidewalk in the third panel. According to Mr. Szeto, while there is great demand for public toilets, the number of toilets that can be installed, up to a maximum of 50 according to the subject Amended Agreement, is limited by the number of kiosk locations which meet the contract criteria for display advertising in order to fund the purchase, installation and maintenance of such toilets.

3. According to the current Agreement, JCDecaux is to share a portion of the advertising revenue generated by the kiosks with the City based on the revenue collected in the first calendar year following the start date of the Agreement. Since the start date of the Agreement was January 17, 1997, revenues generated in the year January 17, 1998 through January 16, 1999 will be paid by JCDecaux to the City based on the following formula: 2 percent of the net revenues earned from the sale of advertising on the kiosks if such revenues exceed \$18,000 per kiosk annually for the first seven years of the program, and 5 percent of net advertising revenues if such advertising revenues exceed \$18,000 per kiosk beginning in the eighth year of the program, or, if the net advertising revenues exceed \$25,000 per kiosk, 7 percent of net advertising revenues beginning in the eighth year of the program.

Attachment 2, provided by Mr. Szeto, shows the estimated payments by JCDecaux to the City, including administrative fees and the share of advertising revenues, for the two year trial period of the Agreement and the remaining 18 years under the proposed Amended Agreement. As shown, DPW estimates that \$64,300 in shared advertising revenues will be paid by JCDecaux to the City in calendar year 1999.

4. While the contract specifies that JCDecaux must pay the administrative fee and share a percentage of the advertising revenue (as defined above) to the City, it does not specify into which account the JCDecaux payments are to accrue. Mr. Szeto reports that in the two year trial period, the Director of DPW has deposited the fees into the Special Engineering Inspection Fund. Mr. Szeto

expects the Director of DPW will also deposit the share of advertising revenues to be paid by JCDecaux into the Special Engineering Inspection Fund until such time as the DPW administrative costs, including costs incurred during the trial period, are fully recovered. According to Ms. Tina Olson of DPW, after cost recovery has been achieved, the advertising revenue payments will be subject to approval as a funding source in DPW's annual budget request.

5. The proposed Amended Agreement provides that additional toilets and kiosks would be installed in phases. Attachment 3, provided by DPW, is a list of the existing locations of the 20 Automatic Public Toilets already installed and a list of the preliminary locations for seven additional toilets to be installed, for a total of 27 toilets. Such additional locations are subject to public hearings and approval by the Director of DPW (Director). If the City elects to have JCDecaux install up to 23 additional toilets (50 maximum toilets less the 27 initial locations), the locations are to be determined by the Director within five years and six months of the commencement of the term of the contract. As noted above, if the City elects to install up to 23 additional toilets, then 104 additional kiosks would be required in order to maintain the ratio of one toilet for every 4.5 kiosks, in accordance with the Agreement.

6. Attachment 4, provided by DPW, is a list of the 90 existing kiosk locations. If seven additional public toilets are approved, for a total of 27 toilets, an additional 31 kiosks for a total of 121 kiosks (4.5 kiosks per toilet) would be required. According to Mr. Szeto, locations for additional kiosks are currently unknown and are to be proposed by JCDecaux. Such locations for the kiosks would be considered in public hearings held by DPW, and would be subject to the sole approval of the Director of DPW.

**Recommendation:** Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

## City and County of San Francisco



Willie Lewis Brown, Jr., Mayor  
Mark A. Prineau, AIA, Director and City Architect



(415) 554-5800  
FAX (415) 554-5843  
<http://www.sfdpw.com>

Department of Public Works  
Bureau of Street-Use and Mapping  
875 Stevenson Street, Room 450  
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

# Memorandum

To: Taylor Emerson, Budget Analyst  
From: Jake Szeto, DPW *JS*  
Date: 11/13/98  
Re: Proposed amendment to the Decaux Toilet Agreement

Per your request, I listed below my job classification and biweekly salary, as well as the estimated administrative costs for the Public Toilet Program for calendar years 1997, 1998, 1999 and 2000.

Project Manager II (5504) Biweekly salary = \$3249 Annual Salary with OH = \$132,000

Estimated administrative cost for 1997	= \$50,000 (approx. 40% of my time)
Estimated administrative cost for 1998	= \$50,000 (approx. 40% of my time)
Estimated administrative cost for 1999	= \$75,000 (approx. 60% of my time)
Estimated administrative cost for 2000	= \$75,000 (approx. 60% of my time)

Please note that beginning in January 1999, the City will receive approximately \$60,000 from Decaux as part of the revenue sharing provisions mandated by the contract. It is our intention to recover from this revenue the administrative costs incurred by DPW in excess of the \$25,000 annual administrative fee paid by Decaux.

## Automatic Public Toilet Program – Revenue Sharing

	Yr. 1 1997	Yr. 2 1998	Yr. 3 1999	Yr. 4 2000	Yr. 5 2001	Yr. 6 2002	Yr. 7 2003	Yr. 8 2004	Yr. 9 2005	Yr. 10 2006	Yr. 11 2007	Yr. 12 2008	Yr. 13 2009	Yr. 14 2010	Yr. 15 2011	Yr. 16 2012	Yr. 17 2013	Yr. 18 2014	Yr. 19 2015	Yr. 20 2016
Gross Income (\$1000)	2,756	\$3,130	\$3,217	\$3,305	\$3,387	\$3,491	\$3,647	\$3,687	\$3,769	\$3,894	\$4,003	\$4,114	\$4,229	\$4,344	\$4,468	\$4,582	\$4,720	\$4,852	\$4,985	\$5,127
Net Income (Loss)	(9558)	(411)	132	\$79	\$118	\$155	\$163	\$338	\$441	\$637	\$691	\$745	\$768	\$830	\$974	\$910	\$984	\$1066	\$1089	\$1097
Payment to the City*			\$64.3	\$66.1	\$67.9	\$68.8	\$71.7	\$73.7	\$75.8	\$77.3	\$780	\$788	\$796	\$804	\$813	\$821	\$830	\$833	\$848	\$850
Admin. Fee	\$15	\$25.5	\$30	\$30.5	\$27.1	\$27.8	28.1	\$26.7	\$29.3	\$29.9	\$30.6	\$31.1	\$31.7	\$32.3	\$33	\$33.8	\$34.3	\$35	\$35.7	\$36.4
Total Revenue	\$18	\$25.6	\$101	\$104	\$85	\$97	\$108	\$103	\$106	\$303	\$311	\$319	\$328	\$336	\$346	\$356	\$364	\$368	\$381	\$388

\* First seven calendar years following the Start Date (1/1/97), 2% of gross advertising revenue if threshold base amount per kiosk is over \$18,000/year.  
Beginning on the 8<sup>th</sup> calendar year following the Start Date, 7% of gross revenue if threshold base amount per kiosk is over \$25,000/year.

### **Locations of Automatic Public Toilets (APT) Already Installed**

1. St. Mary's Square (Pine and Quency)
2. Mission and 6th
3. Mission and 24th
4. Mission and 16th
5. Grove/Larkin (Civic Center Plaza)
6. Market and 7<sup>th</sup> (UN Plaza)
7. Larkin and O'Farrell (MaCauley Park)
8. Eddy and Jones (Boedecker Park)
9. Market and Powell
10. Geary and Powell (Union Square)
11. Market and California
12. Justin Herman Plaza
13. Fisherman's Wharf (Jefferson and Powell)
14. Fisherman's Wharf (Jefferson and Powell)
15. Bay and Taylor
16. Marginal Wharf at Pier 7
17. Stanyan/Waller
18. Union/Columbus, Washington Square
19. First/Mission (Transbay Terminal)
20. Market/17<sup>th</sup>

### **Preliminary Locations of the Remaining 7 APTs in the Initial Phase**

(All Locations subject to Public Hearing)

21. Coit Tower
22. John McLaren Park
23. Treasure Island (near guard shad)
24. Treasure Island (near fising pier)
25. Cesar Chavez and Mission
26. Page and Buchanan
27. Kearny and Jackson

## San Francisco Kiosk

Attachment 4  
Page 1 of 4

LINE	ADDRESS	INTERSECTION	DIRECTION	KIOSK TYPE
01	Embarcadero	Ferry Building	East	newsstand
02	Embarcadero	Ferry Building	West	information
03	Market St.	Steuart St.	N/W	newsstand
04	1 Market Street	Spear St.	S/E	newsstand
05	Drumm Street	Market St.	East	newsstand
06	245 Market St.	Main St.	SW	newsstand
07	Market St.	Davis St.	N/E	newsstand
08	333 Market St.	Beale St.	SW	newsstand
09	388 Market St.	Pine St.	N/W	newsstand
10	Market St.	Fremont St.	SW	newsstand
11	444 Market St.	Front St.	N/W	information
12	101 California St.	Davis St.	SW	newsstand
13	California St.	Front St.	N/E	newsstand
14	Sacramento St.	Battery St.	N/E	information
15	301 California St.	Battery St.	SW	newsstand
16	Battery St.	Bush St.	N/E	newsstand
17	525 Market St.	First St.	SW	newsstand
18	First St.	Mission St.	N/W	newsstand
19	First St.	Mission St.	S/E	newsstand
20	Market St.	Battery St.	N/W	newsstand
21	575 Market St.	1st-2nd Mid Block	South	newsstand
22	595 Market St.	2nd St.	S/E	newsstand
23	544 Market St.	Sutter St.	N/W	newsstand

\* Additional kiosk locations for the toilet program expansion are currently unknown. Thirty-one additional kiosk locations would be required for seven additional toilets.



# San Francisco Kiosk

Attachment 4  
Page 2 of 4

24	Sansome St	Bet. Sutter & Bush St	west	newsstand
25	Bush St	Sansome St	S/W	newsstand
26	301 Pine St	Sansome St	S/W	newsstand
27	401 California St	Sansome St	S/W	newsstand
28	Sansome St	Broadway St	S/E	information
29	Montgomery St	Clay St	N/E	newsstand
30	California St	Montgomery St	N/E	newsstand
31	300 Montgomery St	Pine St	N/E	newsstand
32	180 Montgomery St	Bush St	S/E	newsstand
33	582 Market St	Montgomery St	N/E	newsstand
34	625 Market St	New Montgomery St	S/E	newsstand
35	643 Market St	New Montgomery St	S/W	newsstand
36	Market St	Post St	N/W	newsstand
37	699 Third St	Market St	S/E	newsstand
38	Howard St	Third St	N/W	newsstand
39	Howard St mid block	Fourth St	North	information
40	10 Kearny St	Market St	N/E	newsstand
41	Post St	Mid. Kearny/Montgomery	South	newsstand
42	222 Kearny St	Sutter St	N/E	newsstand
43	308 Kearny St	Bush St	N/E	newsstand
44	580 California St	Kearny St	N/E	newsstand
45	Green St	Columbus Ave.	N/E	newsstand
46	10 Geary St	Kearny St	N/W	newsstand
47	700 Market St	Geary St	N/W	newsstand
48	Market St	Grant Ave.	N/E	information
49	Market St	Bet. 3rd-4th	south	information

## San Francisco Kiosk

Attachment 4  
Page 3 of 4

50	Grant St.	Maiden Lane	NW	newsstand
51	Sutter St.	Mid. Grant/Stockton St.	North	newsstand
52	Sutter St.	Montgomery St.	N/E	newsstand
53	Stockton St.	Post St.	S/E	newsstand
54	Stockton St.	Geary Blvd.	S/E	newsstand
55	Stockton St.	O'Farrell St.	S/W	information
56	1 Stockton St.	Ellis St.	NW	newsstand
57	Market St.	Stockton St.	N/E	information
58	Market St.	Fourth St.	S/E	newsstand
59	Fourth St.	Mission St.	N/E	newsstand
60	800 Market St.	Ellis St.	NW	newsstand
61	870 Market St.	Powell St.	N/E	newsstand
62	Powell St.	Eddy St.	NW	newsstand
63	O'Farrell St.	Powell St.	S/E	newsstand
64	323 Geary Blvd.	Powell St.	S/W	newsstand
65	Post St.	Stockton St.	NW	newsstand
66	Powell St.	Post St.	N/E	newsstand
67	Geary St.	Mason St.	N/E	newsstand
68	Cyril Magnin St.	Market St.	N/E	information
69	Market St.	Fifth St.	S/E	newsstand
70	Fifth St.	Jessie St.	S/W	newsstand
71	Mission St.	Fifth St.	N/E	newsstand
72	989 Market St.	Sixth St.	S/E	newsstand
73	1095 Market St.	Seventh St.	S/E	newsstand
74	Market St. mid block	UN Plaza	north	newsstand
75	Market St.	Grove St.	NW	newsstand

## San Francisco Kiosk

Attachment 4  
Page 4 of 4

76	Post.	bet. Stockton and Grant	South	newsstand
77	Polk St.	Fell St.	NW	information
78	26 Van Ness Ave.	Market St.	N/E	newsstand
79	Spear St.	Mission St.	N/E	newsstand
80	Sacramento St.	Davis St.	SW	information
80	Van Ness Ave. mid block	Sacramento St.	center	information
81	Embarcadero	Powell St.	S/E	information
82	Jefferson St.	Powell St.	North	information
83	Jefferson St.	Mason St.	SW	information
84	Taylor	Jefferson St.	N/E	information
85	Hyde St.	Beach St.	NW	information
86	Jefferson St.	Hyde St.	S/E	information
87	Grant St.	Bush St.	SW	newsstand
88	Battery St.	Bush St.	South	information
89	Kearny St.	Vermehr Lane	S/E	newsstand
90	Pine St.	Battery St.	S/E	information



Item 7 – File 98-1709

**Department:** Department of Public Works (DPW)  
Department of Building Inspection (DBI)

**Item:** Ordinance (1) repealing Article 1 of the San Francisco Public Works Code and (2) amending the San Francisco Building Code by adding San Francisco Public Works Code Article 1 as Sections 106.1.2 through 106.1.3 of the San Francisco Building Code, to transfer from the Department of Public Works to the Department of Building Inspection responsibility for operation of the Central Permit Bureau.

**Description:** Article 1, Section 1 of the Public Works Code establishes the Central Permit Bureau in the Department of Public Works (DPW) and requires that all applications for permits (as identified in Article 1, Section 2 of the Public Works Code) be filed with the Central Permit Bureau.

The Central Permit Bureau then (1) arranges for the appropriate City departments or bureaus to review and either approve or disapprove the permit applications, (2) issues the permits approved by the City department or bureau and (3) collects the fees charged for such permits and deposits them into the account of the City department or bureau that approved those permits.

Article 1, Section 2 of the Public Works Code requires that if any plans or specifications are by ordinance required to be filed with a permit application, the Central Permit Bureau must transmit such plans and specifications to Bureau of Building Inspection<sup>1</sup> and any other relevant City department or bureau for inspection of such plans and specifications.

Approval of the proposed ordinance would (1) repeal Article 1 of San Francisco Public Works Code (which, as noted above, is composed of Sections 1 and 2) and (2)

---

<sup>1</sup> According to the Department of Building Inspection, there is no longer a Bureau of Building Inspection under the Department of Public Works. In 1994, the Bureau of Building Inspection and its permit issuing functions were consolidated into the newly created (at the time) Department of Building Inspection. Since 1994, the Central Permit Bureau has transmitted the above-noted plans or specifications to the appropriate divisions in the Department of Building Inspection.

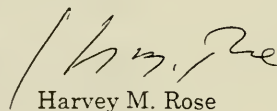
amend the San Francisco Building Code by adding San Francisco Public Works Code Article 1 as Sections 106.1.2 through 106.1.3 of the San Francisco Building Code, thereby transferring responsibility for the Central Permit Bureau from the Department of Public Works to the Department of Building Inspection because, according to Mr. Laurence Kornfield of the Department of Building Inspection, the Central Permit Bureau is no longer under the Department of Public Works, but has been under the Department of Building Inspection since 1994. The attached memorandum, provided by Mr. Kornfield, explains in further detail why the Central Permit Bureau was moved from the Department of Public Works to the Department of Building Inspection.

**Comments:**

1. In the attached memorandum, regarding the fiscal impact of the proposed ordinance, Mr. Kornfield states "We do not anticipate that it will have any effect on operation or fees collected."
2. According to Mr. Kornfield, if the proposed ordinance is approved, the Public Works Code and the Building Code would be made consistent with the City's actual organizational structure.

**Recommendation:**

Approve the proposed ordinance.



Harvey M. Rose

cc: Supervisor Yaki	Supervisor Teng
Supervisor Katz	Supervisor Yee
Supervisor Leno	Clerk of the Board
President Kaufman	Controller
Supervisor Ammiano	Gail Feldman
Supervisor Bierman	Matthew Hymel
Supervisor Brown	Stephen Kawa
Supervisor Medina	Ted Lakey
Supervisor Newsom	



**DEPARTMENT OF BUILDING INSPECTION**

City & County of San Francisco  
1660 Mission Street, San Francisco, California 94103-2414

November 4, 1998

Mr. Gabriel Cabrera  
City & County of San Francisco  
Budget Analysts Office  
1390 Market Street, Suite 1025  
San Francisco, CA. 94102

Re: Relocation of Central Permit Bureau Authority from  
the Public Works Code to the Building Code.

Dear Mr. Cabrera:

As part of the on-going efforts to complete the development of the Department of Building Inspection in the form under which it was created under Proposition G, Charter Section D 3.750, the Department of Building Inspection and Department of Public Works are proposing to relocate the authority for the Central Permit Bureau from the Public Works Code to the Building Code.

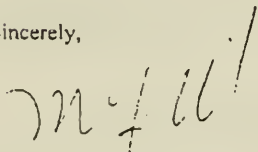
Prior to Proposition G, the Department of Building Inspection was a bureau under the Department of Public Works and the Central Permit Bureau was appropriately under the Department of Public Works. Following the passage of Proposition G and the revision of the Charter section, the Department of Building Inspection was established.

Part of the duties in the establishment of the Department of Building Inspection was to regulate the Central Permit Bureau. This proposed move of the regulations for the Central Permit Bureau is a "catch-up" on this change of the authorities of the various departments. We do not anticipate that it will have any effect on operation or fees collected. In fact, the Central Permit Bureau has been operating under the Department of Building Inspection since its separation from the Department of Public Works some four years ago.

Please note that this is only one of a number of proposed changes which would resolve various discrepancies between the Building Code, administered by the Department of Building Inspection, and Public Works Code, administered by the Department of Public Works. We hope to make most of these changes as part of the upcoming code revision cycle at which time the Department of Building Inspection will be adopting the 1998 California Building, Plumbing, Mechanical, Electrical, Housing Codes and will be amending the administrative and technical provisions of all of those codes. We understand that the Department of Public Works is also making major changes to their codes at the same time and we expect that a number of similar "house-keeping" measures will be taken by Department of Public Works to clarify the various departmental responsibilities as part of those code revisions.

Please contact me directly for further information at (415) 558-6244.

Sincerely,



Laurence M. Kornfield  
Chief Building Inspector  
Technical Services Division

Page 2

cc: Frank Chiu, Director  
cc: Jim Hutchinson

0.236

7/98  
-att

**City and County of San Francisco**  
**Meeting Minutes - DRAFT**  
**Economic Development, Transportation, and**  
**Technology Committee**

*Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno*

*Clerk: Gail Johnson*

Veterans Building  
 401 Van Ness Avenue,  
 Room 308  
 San Francisco, CA  
 94102-4532

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**Tuesday, November 17, 1998**

**9:00 AM**

**Veterans Building**  
**401 Van Ness Ave., Room 410**  
**San Francisco, CA 94102**

**Rescheduled Meeting**

**Members Present:** Michael Yaki, Leslie Katz, Mark Leno.

**Time Meeting Convened**

*Meeting convened at 9:01 a.m.*

**981721 [Animal Testing at UCSF]**

**Supervisors Yaki, Newsom, Teng,  
 Ammiano, Leno, Brown, Katz**

Resolution urging UCSF to use alternative research methods instead of animal testing when available, build AAALAC (Association For Assessment and Accreditation of laboratory Animal Care) accredited facilities at their Parnassus and Mission Bay Campuses and terminate the squirrel monkey experiment.

10/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisor Bierman added as co-sponsor. Supervisors Newsom and Leno removed as co-sponsors.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Resolution urging UCSF to use alternative research methods instead of animal testing when available, build AAALAC (Association For Assessment and Accreditation of laboratory Animal Care) accredited facilities at their Parnassus and Mission Bay Campuses, and apply humane standards to the squirrel monkey experiment.

**RECOMMENDED AS AMENDED by the following vote:**

**Ayes: 2 - Yaki, Katz**

**Noes: 1 - Leno**

**981599 [Contract Amendment and Restatement - JCDeCaux]**

Ordinance approving the First Amended and Restated Automatic Public Toilet and Public Service Kiosk Agreement between the City and County of San Francisco and JCDeCaux San Francisco (formerly JCDeCaux United Street Furniture, Inc.) which allows for the expansion of the Automatic Public Toilet Program beyond the trial phase and amends the agreement in several other respects. (Department of Public Works)

9/23/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

9/29/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 10/28/1998.

*Heard in Committee.*

**RECOMMENDED by the following vote:**

**Ayes: 3 - Yaki, Katz, Leno**

- 981266 [Telecommunications Plan] **Supervisor Bierman**  
Hearing to consider a status report on the Telecommunications Plan, the transfer of public access television to the Community Television Corporation, and the status of the budget proposal for the PEG Channels.  
7/27/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Continued to December 1, 1998, meeting, at the request of sponsor.*  
**CONTINUED by the following vote:**  
Ayes: 2 - Yaki, Leno  
Absent: 1 - Katz
- 981709 [Central Permit Bureau] **Supervisor Kaufman**  
Ordinance repealing Public Works Code Article 1 and amending Building Code by adding Public Works Code Article 1 as Sections 106.1.2 through 106.1.3 of the Building Code, to transfer from the Department of Public Works to the Department of Building Inspection responsibility for the Central Permit Bureau.  
(Repeals Public Works Code Section 1; adds Building Code Sections 106.1.2 through 106.1.3.)  
10/13/98, REACTIVATED PURSUANT TO RULE 5.22 to Economic Development, Transportation, and Technology Committee.  
**RECOMMENDED by the following vote:**  
Ayes: 2 - Yaki, Leno  
Absent: 1 - Katz
- 981775 [Parking Regulations, 2nd and Townsend Streets]  
Ordinance amending Traffic Code by adding Section 32.6.19, regarding parking regulations on portions of 2nd Street and Townsend Street. (No person shall stop, park or leave standing any vehicle on the west side of Second Street, from Townsend Street to 100 feet northerly [100-foot zone], and on the north side of Townsend Street, between Second and Stanford Streets.) (Department of Parking and Traffic)  
(Adds Section 32.6.19.)  
10/21/98, RECEIVED AND ASSIGNED to Housing and Neighborhood Services Committee.  
10/26/98, TRANSFERRED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**RECOMMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 981784 [Interconnection and Service Agreement - CCSF and Port of Oakland]  
Resolution approving the contract between the City and County of San Francisco and the Port of Oakland for interconnection with Davis Substation on file with the Clerk of the Board of Supervisors in File No. 981784; and approving the ten year initial term of the agreement and the continuation of the agreement after ten years unless terminated by one of the parties. (Public Utilities Commission)  
10/22/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
**RECOMMENDED by the following vote:**  
Ayes: 2 - Yaki, Leno  
Absent: 1 - Katz

### Adjournment

*Meeting adjourned at 11:33 a.m.*

CITY AND COUNTY



OF SAN FRANCISCO

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**BOARD OF SUPERVISORS**

**BUDGET ANALYST**

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642  
FAX (415) 252-0461

November 25, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of*  
**SUBJECT:** December 1, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 2 - File 98-1925

**Department:** Department of Public Transportation (Municipal Railway)

**Item:** Resolution authorizing the Municipal Railway (MUNI) to enter into Contract Modification No. 2 to modify a contract with Electric Transit, Inc. to (1) purchase additional and improved components and associated spare parts for 30 articulated trolley coaches and 220 standard trolley coaches and (2) modify the existing progress payments from MUNI to ETI.

**Contract**

**Modification Amount:** Not to exceed \$992,140

**Source of Funds:** See Attachment I

**Description:** In July of 1997, the City entered into a contract with Electric Transit, Inc. (ETI) for the purchase of 30 articulated trolley coaches at an average cost of \$812,750 per coach and 220 standard trolley coaches at an average cost of \$556,536 per coach, plus management, engineering, tooling, and testing services, spare parts, training, manuals, and diagnostic test equipment (File



Memo to Economic Development, Transportation and Technology Committee  
December 1, 1998 Economic Development, Transportation and Technology  
Committee Meeting

No. 172-97-27).<sup>1</sup> The original total contract amount was \$168,752,888.

The Board of Supervisors subsequently approved a resolution (File No. 98-1497), which authorized Contract Modification No. 1 to the contract with ETI in order to (1) purchase additional and improved components and spare parts, including exterior door pushbuttons, electronic odometers, an electrical current collection system, an audio and visual communication system and remote control mirrors for the above-noted 30 articulated trolley coaches and 220 standard trolley coaches, and (2) extend the delivery milestones of the prototype trolley coaches by up to 60 days. That contract modification increased the amount of the contract with ETI by \$3,844,455 from \$168,752,888 to \$172,597,343.

Pursuant to authorization from the Public Transportation Commission (Resolution No. 98-096) on November 10, 1998, MUNI is now requesting approval from the Board of Supervisors to enter into Contract Modification No. 2 in an amount not to exceed \$992,140. Contract Modification No. 2 would include the purchase of additional and improved components and spare parts, including interior information signs, communication suite equipment, turning curb lights for the articulated trolley coaches, hands-free public announcement microphones and operator's side window shades for the subject 30 articulated trolley coaches and 220 standard trolley coaches. This proposed Contract Modification No. 2 would increase the amount of the contract with ETI by \$992,140 from \$172,597,343 to \$173,589,483.

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<sup>1</sup> The contract also includes an option for the City to purchase an additional 15 articulated trolley coaches and an additional 25 standard trolley coaches.



Memo to Economic Development, Transportation and Technology Committee  
December 1, 1998 Economic Development, Transportation and Technology  
Committee Meeting

**Budget:**

According to Ms. Kerstin Magary of the Municipal Railway, the proposed Contract Modification No. 2 is part of a MUNI project, with costs totaling \$206,600,000, to expand MUNI's standard and articulated trolley coach fleet. The total costs of this MUNI project are as follows:

Original Contract with ETI	\$168,752,888
Contract Modification No. 1	3,844,455
Contract Modification No. 2 (subject of proposed resolution)	992,140
Additional Equipment	880,000
MUNI Personnel	10,025,000
Consultants	4,487,000
Sales Tax (8.5%)	14,755,106
Contingency	<u>2,863,411</u>
TOTAL	\$206,600,000

Attachment I, provided by Ms. Magary, contains a budget and the related funding sources for the total project costs of \$206,600,000, including this subject request of \$992,140.

Attachment II, also provided by Ms. Magary, contains a budget for Contract Modification No. 2 itself, totaling \$992,140, together with explanations for each of the items in this contract modification.

**Comment:**

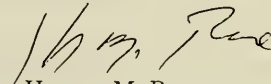
Ms. Magary advises that the proposed Contract Modification No. 2 would also authorize changes to the existing progress payments from MUNI to ETI for the 30 articulated trolley coaches and 220 standard trolley coaches. Attachment III, provided by Ms. Magary, describes the revised progress payments from MUNI to ETI.

**BOARD OF SUPERVISORS**  
**BUDGET ANALYST**

Memo to Economic Development, Transportation and Technology Committee  
December 1, 1998 Economic Development, Transportation and Technology  
Committee Meeting

According to Ms. Magary, MUNI believes that the proposed progress payments are more reasonable and comparable to progress payments made by similar transit procurement agencies in the United States, including Metra in Chicago, IL, New Jersey Transit in Newark, NJ and WMATA in Washington, DC.

**Recommendation:** Approve the proposed resolution.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee  
Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey

**Project Budget and Financial Plan  
TROLLEY COACH PROCUREMENT  
MUNI CONTRACT #888  
MODIFICATION NO. 2**

**PROJECT BUDGET**

Contract	\$168,752,888
Contract Modification No. 1	\$3,844,455
Contract Modification No. 2	\$992,140
Equipment	\$880,000
MUNI Support	\$10,025,000
Consultants	\$4,487,000
Sales Tax (8.5%)	\$14,755,106
Contingency	\$2,863,411
<b>TOTAL</b>	<b>\$206,600,000</b>

**SOURCES OF FUNDS**

FTA Section 3--Bus/Alternative Fuels	\$21,589,201
FTA Section 9--Formula Replacement	\$125,380,182
FHWA Surface Transportation Program	\$4,800,000
<b>SUBTOTAL FEDERAL FUNDS</b>	<b>\$151,769,383</b>

State OA Surface Transportation Program	\$14,261,000
State Transit Capital Improvement	\$10,887,389
State Rail Bonds--Prop 108	\$1,146,219
State--Petroleum Violation Escrow Account	\$400,000
<b>SUBTOTAL STATE FUNDS</b>	<b>\$26,694,608</b>

Bridge Tolls--AB 664	\$8,802,263
S F Municipal Railway Improvement Corporation	\$1,264,176
Transit Impact Development Fee--Capital	\$1,875,000
Transportation Sales Tax--Capital	\$16,194,570
<b>SUBTOTAL LOCAL FUNDS</b>	<b>\$28,136,009</b>

<b>TOTAL CAPITAL FUNDS</b>	<b>\$206,600,000</b>
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**PUBLIC TRANSPORTATION COMMISSION**  
**City and County of San Francisco**

DIVISION MUNI Engineering & Construction

**BRIEF DESCRIPTION:**

The Public Transportation Department (MUNI) requests approval of Contract Modification No. 2 to MUNI Electric Trolley Coach Procurement Contract No. 888 with Electric Transit Incorporated (ETI) in the amount of \$992,140 for a total contract cost not to exceed \$173,589,482.90. Contract Modification No. 2 provides for the purchase of additional, improved, and desirable components; and changes the progress payment schedule on several items.

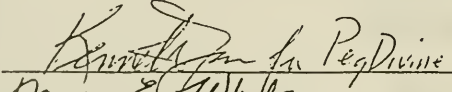
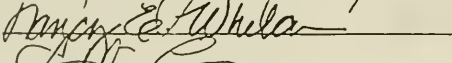
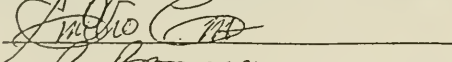
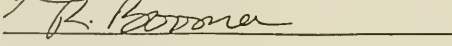
**SUMMARY:**

- The Public Transportation Commission, through the Purchaser's Office, entered into a Procurement Contract on behalf of the San Francisco Municipal Railway with Electric Transit Incorporated in June 1997 for 30 articulated trolley coaches, with an option for up to 15 additional articulated trolley coaches; 220 standard trolley coaches, with an option for up to 25 additional standard trolley coaches; associated spare parts, training, manuals, and diagnostic test equipment. The original contract amount was \$168,752,888.
- On September 8, 1998, PTC Resolution No. 98-074 approved Contract Modification No. 1 to purchase additional, improved components and associated spare parts for the trolley coaches. These components were the exterior door push-button, the electric odometer system, the Kiepe current collection system, a central recording station, and remote mirrors, all of which will be included in each of the new trolley coaches. The resolution also approved a change in the delivery schedule of the prototype coaches. Contract Modification No. 1 was for \$3,844,454.90, bringing the total cost of the Contract to \$172,597,342.90. Contract Modification No. 1 was approved by the Board of Supervisors on October 26, 1998.

**ENCLOSURES: (List numerically and by title)**

1. PTC Resolution
2. Contract Modification No. 2
3. Project Budget and Financial Plan

**APPROVALS:**

DEPUTY OF DIVISION PREPARING CALENDAR ITEM:		DATE 10/28/98
FINANCE (IF APPLICABLE):		10/28/98
DIRECTOR OF TRANSPORTATION:		10/28/98
SECRETARY, PTC:		11/4/98
ADOPTED RESOLUTION TO BE RETURNED TO:		

Contracting Section Attn: Bernie Ancheta  
1155 Market Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103-1555

DIVISION: MUNI Engineering & ConstructionPROJECT: Trolley Coach Procurement Project, Contract Modification No. 2**SUMMARY: (Cont'd)**

- In continued support of MUNI's goal to purchase safe, reliable, compatible and maintainable vehicles, MUNI Engineering and Construction requests that additional, improved, and desirable components be purchased. These components, which were developed and negotiated through change notices, are: interior information signs, communication wiring package equipment (compliant with SAE J1708 Standards), articulated curbside turn lights, hands-free microphones, and operator's side window shades (Change Notices 3, 13, 14, 17, and 18 respectively).
- The modification also implements a change to four of the progress payment milestones (Items 1,2,9,10). In consideration of this change, ETI reduced the cost of the additional components by \$271,793 below the engineer's estimate, which is reflected in the price of Contract Modification No. 2.
- Staff requests approval for Contract Modification No. 2 in the amount of \$992,140 for the implementation of Change Notices 3, 13, 14, 17, and 18. The total Contract amount will be \$173,589,482.90.
- Sufficient funds for Contract Modification No. 2 are available from Federal, State and local funds from the Electric Trolley Coach Procurement Project budget contingency.
- The Contract Compliance office and the City Attorney have reviewed and approved this calendar item.

**EXPLANATION:**

During the design review process, MUNI suggested additional, improved, and desirable components for the Electric Trolley Coaches. A brief summary of the specification change notices and benefit to MUNI is presented below:

Change Notice; Type

Change Notice 3; Interior Information Sign

Change Notice 13; Communication Wiring Package Equipment (Compliant with SAE J1708 Standards)

Change Notice 14; Articulated Curbside Turn Lights

Change Notice 17; Hands-free Microphone

Benefit to MUNI

Allows passenger stop information to be conveyed to all passengers, especially to those who are hearing impaired.

Revised wiring system to allow for future expansion of communications equipment.

Provides sufficient signal lighting for articulated trailer section in low visibility conditions for improved safety.

Provides greater convenience to the operator and improved safety to the operator and passengers when making announcements.

PAGE 3 PTC CALENDAR ITEM # \_\_\_\_\_

DIVISION: MUNI Engineering & ConstructionPROJECT: Trolley Coach Procurement Project. Contract Modification No. 2**EXPLANATION: (Cont'd)**

Change Notice 18; Operator's Side Window Shade      Reduces the amount of glare and sunlight to the operator, improving operator and passenger safety.

In requesting the changes to the progress payment schedule, ETI has offered evidence that its requested changes are more comparable to other procurements in the U.S. MUNI has also obtained a \$271,793 reduction of the cost of the 5 change orders in consideration for paying earlier than originally provided in the contract.

Based on a cost analysis of the original ETI prices, performed according to FTA guidelines, and as a result of negotiations with ETI, MUNI considers each of the Change Notices to have been reasonably priced prior to the \$271,793 reduction.

**PROPOSED ACTION:**

Staff requests approval for Contract Modification No. 2 as described below:

<u>Change Notice; Type</u>	<u>Cost</u>
Change Notice 3; Interior Information Sign	\$441,280
Change Notice 13; Communication Wiring Package	
Equipment (Compliant w/SAE J1708 Standards)	\$228,500
Change Notice 14; Articulated Curbside Turn Lights	\$15,360
Change Notice 17; Hands-free Microphone	\$221,000
Change Notice 18; Operator's Side Window Shade	\$86,000
Total	\$992,140

**FUNDING:**

Modification No. 2 for \$992,140 brings the total contract amount to \$173,589,482.90. Funds for this modification are available and included in pending state and federal grants.



## ATTACHMENT III

MUNI Contract #888, Modification No. 2, would modify Progress Payments as follows:

### Items 1 and 9 – Management, Engineering, Tooling and Testing.

Revise payment for line items 1 and 9 as follows:

Item c (Approval to Deliver Prototype), from "30%" to "50%". There are three prototype trolley buses to be delivered to MUNI: two 40-foot standard buses and one 60-foot articulated bus. Prototypes are produced in the normal course of a procurement contract, in order to allow the Contractor (ETI) to test the three prototypes prior to MUNI approving ETI going into production on 250 total buses. The payment per prototype delivery would be increased from 30% to 50%.

Item d (Completion of Prototype Test Program as defined in Subsection 5.3.5), from "35%" to "15%". As described above, ETI will test the three trolley bus prototype buses for approximately six months, prior to MUNI approving the production of a total of 250 buses. At the end of the approximate six-month Prototype Test Program (as defined in Contract #888 Subsection 5.3.5), the payments per prototype would be decreased from 35% to 15%.

### Items 2 and 10 – New Articulated and Standard Trolley Coaches

Revise payment for line items 2 and 10 as follows:

Item a (Receipt by MUNI of copies of purchase orders placed by Contractor for all of the following subsystems excluding any listed subsystems manufactured by the Contractor), from "5%" to "20%". This will cover 1. Carbody, 2. Chassis, 3. Axles, 4. Compressor, 5. Complete propulsion system, including: (propulsion control system, traction motors and gearing). *Footnote 1: The amount of the payment will be prorated depending on the number of coaches for which purchase orders have been placed, e.g., if purchase orders have been placed for 15 articulated trolley coach sets, then payment will be made for 20% of 15 times the unit price for Item 2.*

Item e (Acceptance of each vehicle by MUNI), from 25% to 10%. *Footnote 2: Payment for this milestone will be prorated depending on the number of coaches accepted by MUNI, e.g., if 25 coaches are accepted by MUNI, then payment will be made for 10% of 25 times the unit price for Item 2.*





City and County of San Francisco  
Meeting Minutes - DRAFT  
Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

Clerk: Gail Johnson

Veterans Building  
401 Van Ness Avenue,  
Room 308  
San Francisco, CA  
94102-4532

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DEC 11 1998

SAN FRANCISCO

Tuesday, December 01, 1998

10:00 AM

Veterans Building  
401 Van Ness Ave., Room 410  
San Francisco, CA 94102

**Regular Meeting**

**Members Present:** Michael Yaki, Leslie Katz, Mark Leno.

**Meeting Convened**

*Meeting convened at 10:02 a.m.*

981939 [Targeted Employment Area]

Mayor, Kaufman,  
Katz, Yaki, Leno

Resolution identifying the census tracts comprising the "Targeted Employment Area" (TEA) for the San Francisco Enterprise Zone.

11/16/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisors Katz, Yaki and Leno added as co-sponsors.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

981925 [MUNI Trolley Bus Contract Modification]

Resolution approving Contract Modification No. 2 to Procurement Contract No. 888 with Electric Transit Incorporated in the amount of \$992,140, for the purchase of additional and improved components and spare parts, and for modification of four progress payment milestones. (Public Transportation Commission)

11/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**RECOMMENDED** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

981316 [Treasure Island Project Status]

Supervisor Yaki

Hearing to consider the status of projects and plans for Treasure Island.

8/3/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

8/18/98, CONTINUED TO CALL OF THE CHAIR. Heard in Committee.

*Continued at the request of sponsor.*

**CONTINUED TO CALL OF THE CHAIR** by the following vote:

Ayes: 3 - Yaki, Katz, Leno

- 981449 [Treasure Island Development Authority] **Supervisor Yaki**  
Resolution directing the Treasure Island Development Authority to amend its bylaws and articles of incorporation to expand the number of directors of the Board of Directors of the Authority to include three additional ex officio members - the then-sitting President of the Board of Supervisors, Chair of the economic development committee and chair of the housing committee; requiring 30-days prior notice of amendments to the Authority's competitive bidding rules and procedures; urging the Authority to monitor and participate in negotiations with the Navy regarding conveyance of the base, and directing the Authority to establish a citizens advisory board within 30 days of the effective date of this resolution to be comprised of 25 persons, 14 of whom shall be appointed by the Mayor and 11 of whom shall be appointed by the Board of Supervisors.  
8/24/98, ASSIGNED UNDER 30 DAY RULE to Economic Development, Transportation, and Technology Committee, expires on 9/23/1998.

*Heard in Committee.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Resolution directing the Treasure Island Development Authority to amend its bylaws and articles of incorporation to expand the number of directors of the Board of Directors of the Authority to include three additional ex officio members - the then-sitting President of the Board of Supervisors, the Chair of the committee with jurisdiction over economic development and the Chair of the committee with jurisdiction over housing; requiring 30-days prior notice of amendments to the Authority's competitive bidding rules and procedures; urging the Authority to monitor and participate in negotiations with the Navy regarding conveyance of the base, and directing the Authority to establish a citizens advisory board within 30 days of the effective date of this resolution to be comprised of 25 persons, 14 of whom shall be appointed by the Mayor and 11 of whom shall be appointed by the Board of Supervisors.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

- 981852 [CalTrain Electrification and Essential Rehabilitation] **Supervisors Bierman, Katz, Ammiano, Yaki**  
Resolution recommending that the Peninsula Corridor Joint Powers Board declare electrification and system rehabilitation of the entire CalTrain system a top priority of the region and urging the Peninsula Corridor Joint Powers Board to seek prompt and cost effective implementation of this priority.  
11/2/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Supervisor Leno added as co-sponsor.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Resolution recommending that the Peninsula Corridor Joint Powers Board declare electrification and essential rehabilitation for safe operation of the trains of the entire CalTrain system a top priority of the region and urging the Peninsula Corridor Joint Powers Board to seek prompt and cost effective implementation of this priority.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

- 981787 [War Memorial Catering Staff] **Supervisors Bierman, Ammiano**  
Hearing to consider recent termination of thirteen (13) long term union employees by Restaurant Associates, the catering contractor for the War Memorial/Herbst Theater, the Opera House and Davies Symphony Hall.  
10/26/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981266 [Telecommunications Plan]**

Supervisor Bierman

Hearing to consider a status report on the Telecommunications Plan, the transfer of public access television to the Community Television Corporation, and the status of the budget proposal for the PEG Channels.

7/27/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

11/17/98, CONTINUED. Continued to December 1, 1998, meeting, at the request of sponsor.

*Heard in Committee.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**981570 [Split of 415 Area Code Within San Francisco]**

Supervisors Leno, Yaki, Yee,  
Bierman, Ammiano, Katz, Brown,  
Newsom, Teng

Resolution urging the California Public Utilities Commission to institute a telephone area code overlay for the benefit of San Francisco Small Businesses.

9/22/98, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

9/28/98, CONTINUED. At the request of Supervisor Leno this matter was severed and requested it be continued to October 5, 1998. Supervisors Bierman, Ammiano, Katz, Brown, Newsom, Teng requested to be added as co-sponsors.

10/5/98, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA. At the request of Supervisor Leno, this matter was removed for the purpose of referring it to committee.

10/5/98, REFERRED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Resolution opposing any telephone number area code relief plan which splits the 415 area code within San Francisco.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Yaki, Katz, Leno

**ADJOURNMENT**

*Meeting adjourned at 1:56 p.m.*





2/15/98

CITY AND COUNTY



OF SAN FRANCISCO

## BOARD OF SUPERVISORS

## BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

DOCUMENTS DEPT.

DEC 16 1998

SAN FRANCISCO  
PUBLIC LIBRARY

December 11, 1998

**TO:** Economic Development, Transportation and Technology Committee  
**FROM:** Budget Analyst *Recommendations for meeting of.*  
**SUBJECT:** December 15, 1998 Economic Development, Transportation and Technology Committee Meeting

Item 2 - File 98-2043

**Department:** Department of Parking and Traffic (DPT)

**Item:** Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for, accept and expend a grant of \$120,000 of Federal Hazard Elimination Safety (HES) Program Grant Funds for a Guardrail Upgrade Project, foregoing reimbursement of indirect costs.

**Grant Amount:** \$120,000

**Grant Period:** March, 1998 through September, 1998 (6 months). See Comment 1.

**Source of Funds:** Federal Hazard Elimination Safety (HES) Program grant funds administered through the State of California Department of Transportation

**Description:** The Guardrail Upgrade Project is a new program that would replace older guardrail installations with new installations to meet current safety standards. According

to Mr. Tom Folks of the DPT, guardrails are steel beams installed along high-speed roadways to minimize the severity of collisions involving vehicles and fixed objects, or to prevent accidents down steep ravines.

The DPT has identified the following existing sites at which modifications to 22 guardrail ends and replacement of 1,600 linear feet of guardrail would be made using the proposed grant: Mansell Street, O'Shaughnessy Boulevard, Portola Drive, and Twin Peaks Boulevard.

**Budget:**

A summary budget for the Guardrail Upgrade Project is as follows:

*Personnel*

Senior Transportation Engineer (1 wk)	\$ 3,000
Assistant Civil Engineer (9 wks)	22,500
<u>Construction Management</u>	<u>12,000</u>
<i>Personnel subtotal</i>	<i>\$ 37,500</i>

*Contractual Services*

Remove and Replace Guardrail	\$ 75,000
<u>Contingency</u>	<u>7,500</u>
<i>Contractual Services subtotal</i>	<i>\$ 82,500</i>

TOTAL Project Budget \$120,000

**Required Match:**

None

**Indirect Costs:**

The proposed resolution requests a waiver of indirect costs which are estimated to be \$12,000 because the granting agency does not allow such costs.

**Comments:**

1. The original term of the grant was March, 1998 through September, 1998. However, the DPT was not notified of the award of the grant until March, 1998. According to Mr. Folks, because this announcement was released later than expected, the DPT has requested that the State Department of Transportation extend the contract award deadline to August 31, 1999 to allow sufficient time for designing the project and processing all paperwork for the bidding process.

BOARD OF SUPERVISORS

BUDGET ANALYST

2. According to Mr. Folks, a contract to remove and replace the guardrails would be awarded under the City's competitive bidding procedures. The installation and modifications of the guardrails are estimated to commence in September, 1999 and to be completed by December, 1999.

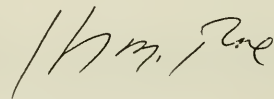
3. The San Francisco Parking and Traffic Commission has approved this application in Resolution No. 165-98-PTC adopted on August 4, 1998.

4. Because of time limitations, the DPT applied for the proposed grant funds prior to obtaining authorization from the Board of Supervisors. Thus, the proposed resolution should be amended to provide for retroactivity as to the application of these grant funds.

5. The DPT has prepared Disability Access Checklists which are on file with the Clerk of the Board's Office.

**Recommendation:**

Amend the proposed resolution to provide for retroactivity with respect to the apply for portion of this resolution and approve the resolution as amended.



Harvey M. Rose

cc: Supervisor Yaki  
Supervisor Katz  
Supervisor Leno  
President Kaufman  
Supervisor Ammiano  
Supervisor Bierman  
Supervisor Brown  
Supervisor Medina  
Supervisor Newsom  
Supervisor Teng  
Supervisor Yee

Clerk of the Board  
Controller  
Gail Feldman  
Matthew Hymel  
Stephen Kawa  
Ted Lakey





**City and County of San Francisco**  
**Meeting Minutes**  
**Economic Development, Transportation, and**  
**Technology Committee**

*Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno*

*Clerk: Gail Johnson*

Veterans Building  
 401 Van Ness Avenue,  
 Room 308  
 San Francisco, CA  
 94102-4532

DEC 21 1998

**Tuesday, December 15, 1998**

**10:00 AM**

**Veterans Building**  
**401 Van Ness Ave., Room 410**  
**San Francisco, CA 94102**

**Regular Meeting**

**Members Present:** Michael Yaki, Leslie Katz, Mark Leno.

**MEETING CONVENED**

*Meeting convened at 10:16 a.m.*

**982042 [PUC-Wastewater Agency Mutual Aid Agreement]**

Resolution approving hold harmless provisions for the Wastewater Agency Response Network and Water Agency Response Network Omnibus Mutual Aid Agreements. (Public Utilities Commission)

12/7/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Amended on page 2, line 7, after "hold," by adding "harmless."*

**AMENDED.**

**RECOMMENDED AS AMENDED.. by the following vote:**

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**982043 [Grant - Federal]**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for, accept and expend a grant of \$120,000 of fiscal year 1997-1998 Federal Hazard Elimination Safety (HES) Program funds for a guardrail upgrade project, foregoing reimbursement of indirect costs. (Department of Parking and Traffic)

12/7/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

*Heard in Committee. Amended on page 1, line 2, and on page 2, line 9, after "for," by adding "retroactively."*

**AMENDED.**

Resolution authorizing the Executive Director of the Department of Parking and Traffic to apply for, retroactively, accept and expend a grant of \$120,000 of fiscal year 1997-1998 Federal Hazard Elimination Safety (HES) Program funds for a guardrail upgrade project, foregoing reimbursement of indirect costs. (Department of Parking and Traffic)

**RECOMMENDED AS AMENDED.. by the following vote:**

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

- 981316 [Treasure Island Project Status] Supervisor Yaki  
Hearing to consider the status of projects and plans for Treasure Island.  
8/3/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
8/18/98, CONTINUED TO CALL OF THE CHAIR. Heard in Committee.  
12/1/98, CONTINUED TO CALL OF THE CHAIR. Continued at the request of sponsor.  
*Heard in Committee.*  
CONTINUED TO CALL OF THE CHAIR by the following vote:  
Ayes: 3 - Yaki, Katz, Leno
- 981724 [TCI Merger with AT&T] Supervisor Yee  
Hearing to consider the proposed TCI merger with AT&T.  
10/13/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
CONTINUED TO CALL OF THE CHAIR by the following vote:  
Ayes: 3 - Yaki, Katz, Leno
- 981900 [Central Freeway Replacement Project Act of 1998] Supervisors Bierman, Katz, Leno, Ammiano, Brown, Medina  
Resolution approving the Octavia Boulevard alternative for replacement of the Central Freeway, withdrawing authorization for Caltrans to enact the Central Freeway Replacement Project Act of 1997, repealing Board of Supervisors Resolution 1073-97, reinstating Board of Supervisors Resolution 541-92, urging Caltrans to proceed immediately with the implementation of the Central Freeway Replacement Project Act of 1998 and urging Caltrans to take down the existing structure as soon as possible.  
11/9/98, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
11/16/98, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA. At the request of Supervisor Yee, this matter was severed for the purpose of referring it to committee.  
11/16/98, REFERRED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
RECOMMENDED by the following vote:  
Ayes: 3 - Yaki, Katz, Leno
- 981906 [Central Freeway Replacement Project Act of 1998] Supervisors Katz, Bierman, Ammiano, Leno  
Hearing to consider the coordination and planning needed to implement the Central Freeway Replacement Project Act of 1998 (Proposition E).  
11/9/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
CONTINUED TO CALL OF THE CHAIR by the following vote:  
Ayes: 3 - Yaki, Katz, Leno

**ADJOURNMENT**

*Meeting adjourned at 1:34 p.m.*



BOARD of SUPERVISORS



401 Van Ness Avenue, Room 308  
San Francisco 94102-4532  
Tel. No. 554-5184  
TDD No. 554-5227

**NOTICE OF CANCELED MEETING**

**ECONOMIC DEVELOPMENT, TRANSPORTATION,  
AND TECHNOLOGY COMMITTEE**

**SAN FRANCISCO BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN That the regularly scheduled Economic Development, Transportation, and Technology Committee meeting of January 5, 1999, has been canceled. The next regularly scheduled Economic Development, Transportation, and Technology Committee meeting will be held on Tuesday, January 19, 1999, at 10:00 a.m., 1 Dr. Carlton B. Goodlet Place, Room 263, San Francisco, California.

A handwritten signature in cursive script, reading "Gloria L. Young".

Gloria L. Young  
Clerk of the Board

POSTED: 12/22/98





City and County of San Francisco  
Meeting Minutes - DRAFT

Economic Development, Transportation, and  
Technology Committee

Members: Supervisors Michael Yaki, Leslie Katz, Mark Leno

City Hall  
1 Dr. Carlton B.  
Goodlett Place  
San Francisco, CA  
94102-4689

Clerk: Gail Johnson

Tuesday, January 19, 1999

9:00 AM

City Hall, Room 263

Rescheduled Meeting

Members Present: Michael Yaki, Leslie Katz, Mark Leno.

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**MEETING CONVENED**

Meeting convened at 9:13 a.m.

**982096 [Transfer Payment from BART to MUNI]**

Resolution approving an agreement between the City and County of San Francisco and the Bay Area Rapid Transit District authorizing payment to San Francisco Municipal Railway for transfer trips provided in fiscal year 1997-1998. (Public Transportation Commission)

12/14/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**982129 [Contract Modification]**

Resolution authorizing the Public Transportation Department to enter into contract with Neoplan USA Corporation for the purchase of 135 standard and 100 articulated clean diesel coaches for a total contract amount not to exceed \$92,192,575. (Public Transportation Commission)

12/21/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

Heard in Committee.

Amended on lines 5 and 17 by replacing "\$92,192,575" with "\$100,113,148."

AMENDED.

Resolution authorizing the Public Transportation Department to enter into contract with Neoplan USA Corporation for the purchase of 135 standard and 100 articulated clean diesel coaches for a total contract amount not to exceed \$100,113,148. (Public Transportation Commission)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Yaki, Leno

Absent: 1 - Katz

**981945 [Transportation to Bay Area]**

Supervisor Yaki

Hearing to evaluate the cost and impact of the Millbrae extension and BART to the Airport.

11/16/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.

Continued at the request of sponsor.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Yaki, Katz, Leno

- 980973 [Chevron Pipeline] **Supervisor Yaki**  
Hearing to consider the Chevron Pipeline lease currently being negotiated between the Public Utilities Commission and Chevron.  
6/8/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**FILED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 982050 [War Memorial Contract with Restaurant Associates] **Supervisors Blerman, Yaki**  
Resolution urging the San Francisco War Memorial and Performing Arts Board of Directors to terminate the contract with Restaurant Associates for food concession services at the Opera House, Davies Symphony Hall and Herbst Theatre.  
12/7/98, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
12/14/98, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA.  
Supervisor Kaufman requested this matter be severed for the purpose of referring it to committee.  
12/14/98, REFERRED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**RECOMMENDED by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 990016 [New Asian Project Appeal] **Supervisor Blerman**  
Resolution initiating appeal to the Board of Supervisors of Planning Commission approval of Certificate of Appropriateness for New Asian Project, pursuant to Planning Code Section 1006.8.  
1/5/99, ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**RECOMMENDED "DO NOT PASS" by the following vote:**  
Ayes: 3 - Yaki, Katz, Leno
- 990024 [Pacific Bell Ballpark] **Supervisor Ammiano**  
Hearing to consider the schematic designs for the Pacific Bell Ballpark and the installation of a "Coca Cola" bottle in the children's play area located on Third and King Streets.  
1/11/99, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.  
*Heard in Committee.*  
**FILED by the following vote:**  
Ayes: 2 - Yaki, Katz  
Absent: 1 - Leno

## **ADJOURNMENT**

*Meeting adjourned at 1:08 p.m.*



# City and County of San Francisco

## Meeting Minutes

### Rules Committee

*Members: Supervisors Mabel Teng, Barbara Kaufman*

*Clerk: Joni Blanchard*

City Hall  
1 Dr. Carlton B.  
Goodlett Place  
San Francisco, CA  
94102-4689

Monday, January 25, 1999

10:30 AM

City Hall, Room 263

### Special Meeting

**Members Present:** Tom Ammiano, Barbara Kaufman.

**Members Absent:** Mabel Teng.

### Meeting Convened

*The meeting convened at 10:30 a.m.*

990061 [Off Site Meeting in Chinatown]

Supervisor Yee

Motion having the Monday, February 22, 1999 meeting of the Board of Supervisors held at the John Yehall Chin Elementary School, 350 Broadway Street, Multi-purpose Room in the Chinatown Neighborhood of San Francisco at 6:00 p.m.

1/11/99, ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Supervisor Yee. Recommended as a Committee Report for consideration at the Board Meeting of January 25, 1999.*

RECOMMENDED AS COMMITTEE REPORT.

### ADJOURNMENT

*Meeting adjourned at 10:35 a.m.*

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